

A  
DISCOURSE

Concerning

Publick Oaths,

AND

The Lawfulness of *SWEARING*  
in Judicial Proceedings.

Written by Dr. GAUDEN, Bishop of  
*EXETER*.

In order to answer the scruples of the  
*QUAKERS*.

*1 Cor. 13. 2. Without charity I am nothing.*

*2 Tim. 2. 25. In meekness instructing those that oppose.*

*Ne potius in verbis Scripturarum esse Evangelium, sed in sensu; non in superficie, sed medulla; non in Sermōnis cortice, sed in rationis radice. Hieronym. in Ep. ad Gal.*

LONDON,

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Excellent Majesty, at the Angel in Ivy-lane, 1662.

DISCONTINUED

Confidential

Publick Oaths.

671

The Lawfulness of SEARCHING  
in Judicial Proceedings.

Written by Dr. GARDNER, Bishop of  
EXETER.

TO W. A. K. E. R. S.

1000

LONDON  
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men, to do well and wisely. As I should cut  
 away those who do not, as they have done a bad  
 way, and use the rest of them, so do, making  
 at the first of them, and of them, so do, making  
 away those who do not, as they have done a bad  
 way, and use the rest of them, so do, making

ROBERT BOYLE, Esquire,

SIR:



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der

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der away those noble advantages they have above other men, to do well and worthily. As if one should cut out *goodly Timber-trees* into *Loggs* or *Chips*; and instead of stately *Pillars* or *Beams*, make only *Bed-staves*, or *Cat-sticks*, or *Tooth-picks* of them. So *degenerating* from all true sense of honour becoming Gentlemen and Christians; as to *glory* in their *shame* (I mean their *sin* and *folly*;) and to be *ashamed* of their *true glory*, which is, to be as *rationall* and religious as they can be in *this* state of *mortality*.

Your *Nobleness* will excuse me, if I venture to *offend* you, by telling the world (what I have many years longed to do) how high a *value* I have for you, of whom I have so pleasing and complete a *prospect*; not more for your rare *endowments* of Nature and Art, then for your rarer *Ornaments* of Grace and *Vertue*; while you neither *superciliously* fancy *Learning* to be any diminution to your *Noble Birth*, nor yet *Pity* to be any disparagement to your great *Learning*. I must not (now) in my *maturer years* compare you to our so *famous* Sir Philip Sidney (whom I heretofore valued very much, nor do I yet *undervalue* him) because I think you have *out-vied* his *Eloquent Valour* and *Heroick Romances*; with *greater* *Essays* and more *useful Achievements* both in *Philosophy* and *Dignity*.

The more *retired* and *solid* grounds of the *first* (*Philosophy*) you are daily searching and discovering, with your generous *Associates*, by accurate and real *Experiments*; which are the *Anatomies* of Nature, and the *Keys* to her *Cabinets*, opening a *Door* to the true prospect as of the *causes*, so of the *virtues*; *operations* and *efficacies* of things, and by them to the *Creators glory*; which is much *eclipsed* by that *occult*, *conjectural* and *sceptical*

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*scriptural Philosophy*, which is rather *imaginary* than *real*, a *parturiency* without *birth*, a meer *abortion* as to knowledge; indeed, a kind of *Legerdemaine* in Learning, and *Sophistry*, rather than Science verified by Experience.

The *fountains* also of the *second* (that is, *Divinity*) your *selfe* have lately cleared, in *vindicating* by your Pen the *Sacred*, yet *unaffected* *style* of the *Scriptures*, with a most *Eloquent* and *Learned* Zeal, against some mens *profane* and *Atheistical* cavils, who are so *willfully* *wicked*, as to *disdain* even *salvation* it *selfe*, in that plain, but *sure* way, which the wisdom of God sees fittest for *humane* capacities: whereas few (I believe) of those curious *Gallants* would be so *foolishly* *morose*, as to refuse a *faire* *Estate* which were settled upon them in the ordinary legal way of *Deeds*, because it is not conveyed to them in such *oratorious* *Harangues* and *flourishes* of *Speech* as they most fancy.

I have dedicated this *little* *Piece* to your *great* *Name*, because it covers a *resemblance* to, yea and hath an *emulation* of, your *candor* and *humanity* toward all persons that are not wholly *profligate* in their opinions, or desperate in their actions. The design of this *Treat* is to correspond, as much as I may, with your *principles* and *genius*, who have the *happiness* to render the severest *virtues* *amiable*, and to confute the *grossest* *Errors* with the *gentlest* *Truths*.

I confess both in *Religion* or *Charity*, and in reason of *State* or *Policy*, I am not for inflicting at first dash *sharp* *Penalties* on seduced or simple people, meetly upon the account of their *Opinions*, (modestly dissenting in some lesser things from the *Religion* or *Laws* established; yet without any rude *blaspheming* or *op*

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posing them as to the main of *Faith*, *Morality* and *Civil* (*subjection*) until such *rational* and *charitable* means have been *used* to *convince* them of their *errors*, as may at once discharge those duties of *Humanity* and *Charity* which we owe to all men, specially to our *Country-men* and *fellow-Christians*.

The *Cudgel* and *Sword*, *Prisons* and *Banishments*, *Plunderings* and *Sequestrations* were the late cruel and *flagellant Methods* of our most *tyrannous times*, which had nothing of *Reason*, *Law* or *Religion* to support them: but these are not (in my judgment) either the first or the fittest means to confute the *falseties* of mens *private opinions*, or to *rectifie* the *obliquities* of their *inconform* but *innocent actions*, flowing from them upon the account of *Conscience* and plea of *Religion*. (Although it may be as just as necessary to repress by legal *coercions* and *penalties* those *petulant obstinacies*, which do resist all softer applications, and endanger the *publick tranquillity* by giving *affronts* to settled *Religion*, or *obstructions* to the proceedings of *Justice* by *established Laws*.) I am indeed for (*cuncta prius tentanda*) those *Divine Essayes* and *Appeals* first, which render men most *unexcusable* (*quid amplius poteram, what could I have done more, &c.*) using *lenitives* before *lancings*, & *fomentations* before *incisions* or *amputations*, until there be no other *remedy*, then *rigor* and *severity* to some parts, becomes the greatest *Charity* to the whole; where nor the *scratch* of a *petty opinion*, but the *gangrene* of an *obstinate* and *rebellious humor* forceth the *abscision* of one part, to prevent a deadly contagion to others, yea to the *whole Body*. (*ut si visum*) and *no* fails to support. Not that I think it any *Religion* to have an *indifferency* to that true *Religion* which is once *established* by *publick*

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lick consent and Law, as *best* and *fittest* for the Nation; nor is it any part of *Mercy* alwayes to suffer *publick Justice* to be *huffed* by the *refractoriness* of any persons or parties. No, I am far from a tame permitting *Tares* to be openly scattered by the bold and evil hands of any men, who seek, as enemies, to choke that good seed of Religion which is sown by the *publick Ministry*, and fenced by legal Authority.

As I would have that Religion only settled in its *Doctrinals*, *Devotionals*, *Discipline* and *Government*, which is by *publick consent* (according to the word of God and Catholick prudence) judged to be the best for *Truth*, *Sanctity*, *Order* & *Decency* (which, blessed be God, is in England:) so I would have It (and It only) to enjoy all *publick countenance* and *encouragements*, by the *injunction* and *protection* of the *Laws*, by the *favour* and *example* of the *Prince*, by *publick maintenance* and *honour*, by the use of *publick Churches* and *Oratories*: To the *Preachers* and *professors* of this, *publick Offices* and *Employments* of *honour* and *authority*, *foreign* and *domestick*, *ecclesiastical*, *civil* and *military*, should be chiefly appropriated; of these *advantages* *dissenters* should be generally deprived, because they are the *proper honoraries* of those who most serve the *publick Peace*, by their due observance of the *Religion* and *Laws* *established*; from which whoso openly varies and dissents, layes the foundations; as of *distraktion* and *division*, so of *destruction* and *confusion*.

With these outward advantages added to that internal power of *truth* & *holiness* which are in the *established Religion*, it may (as I think) not only be happily supported, but easily prevail in a short time (by Gods blessing) against all *factions* and *feeble oppositions*, unless the scandal,



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dal, negligence, levity and luxury of its *Ministers, Bishops, Presbyters and Professors* overthrow it, by casting such immoral *disgraces* upon it as make people *disbelieve* and *abhorre* both *it* and *them*; as was in the case of *Eli's Sons*.

But I confesse I would not have this *legal* and *avowed* Religion of the Nation so *rigorous*, *sharp* and *severe* (as *Sarah* to *Hagar*) by the suddain *over-awing* or violent *overlaying* of all other *different persuasions* in peaceable men, as not to let them breath in the same *common Air*, or not to enjoy their *lives*, *civil liberties* and *estates*, with their *dissenting consciences*, in all modest *privacy* and *safety*: I abhorre (as much as I dread) all *racks* and *tortures* of mens *souls*, or those *cruel* no less then *curious scrutinijs* of mens *consciences*, which cover, first (like *God*) to search mens *hearts*, and then (like the *Devil*) delight to torment them in their *Estates* and *Liberties*, only because they are not so *wise* or *apprehensive* as themselves, but as *honest* (perhaps) and *sincere* in the sight of *God*.

True; I think that some *little pecuniary mulct*, as one or two *Shillings* to the *poor*, for every Lords dayes absence from the publick Church or Assembly, may be justly (laid as a mark of publick dislike) upon *Dissenters* and *Separaters* from the *established Religion*; not for their *private difference* in judgment, (which possibly is not their fault) but for their publick *deformity* in practise, to the scandal of the *established Religion*, and to the endangering of the *publick welfare*, whose strength and stability consist in *unity*, and this in *uniformity* to the settled rule; and in *conformity*, to outward practise: yet still no *Inquisition* to be made into free mens *Consciences*, nor any great

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great penalty laid upon them for their persuasions, further than their words and actions do discover their Principles, Opinions, Correspondencies, and Adherencies to be contrary and dangerous to the publick Peace, Order and Justice, which all are founded in, and flourish by our settled Laws and Religion: Thus permitting sober men not a declared toleration, or publick profession, by way of open rivalry to the established Religion, but only such an arbitrary connivence and conditional indulgence as gives them no trouble for their private and untroublesome Opinions, while they are kept in their breasts and closets, or in their private houses and families: to which all dissenters ought in reason to be confined on the Lords day, without any convention of strangers to them; though (perhaps) on the week-day they may have their meetings allowed, yet so as to be kept within parochial bounds, or to such a number of persons and families as shall be thought safe.

But for Dissenters to have multitudinous Conventions, as it were musters of their forces, when, where, and as many as they please, cannot be safe: for thereby they not onely affront the established Religion, but confirm each other in their opinions; yea and (as Charcoals in heaps) they more kindle and enflame each other by their numbers, to such proud animosities and rebellious confidence, as may hope to set up their Faction supreme, not only in the repute of Religion, but in civil power, which is the ambitious aim of all parties, (except that which is purely Christian, &c. wholly resolved into suffering principles.) All others (we see) whether Papists, or Presbyterians, or Anabaptists, or Independents, affect (*summam Imperii*) as Diotrephes, to have

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have the preeminence, as *Lucifer* and *Antichrist*, to exalt themselves above all, and therefore they must by wise and vigilant power, as well as by good preaching & living, be kept, as fire, within the hearth of their private opinions and parties, lest they prevail by popular Arts against the publick established Religion, which is the *Palladium* or *Conservator* of civil peace and prosperity, and never to be rashly changed, or rudely contemned while it is authorised.

The great *Charity* to which includes even a *charity* to all those which differ from its present settlement, who commonly are more miserable in the riotous mutations which their folly and rudeness affects, then in those sober restrictions of which they are so impatient, that from different persuasions they break out to petulant oppositions by *Tongue* and *Pen*, thence they are betrayed to seditious projects, and at last these must be brought forth in tumultuary and violent actions, which are so intolerable, that the very first sparks of their insolent and seditious Expressions, especially in *Pulpits* and *Presses*, ought by great penalties to be suppressed: there being nothing more unreasonable, then for any man rudely to blaspheme and reproach that Religion which his Prince and Countrey professes, unless he be so impudent (as many are) to blaspheme that also which himselfe owneth as the true Religion with them. This tenderness, moderation and indulgence I bear only to humble, modest and innocent dissenters, upon the account of *Christian Charity*, which ought in all things, becoming humanity, to exceed all other men, as *Fertullian* well observes.

To which *Christian Charity* of mine towards sober dissenters, (besides the confidence I have of Truth and

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and its prevalency) perhaps my native temper and candor may contribute something, which abhors, after the genius of Primitive Christians, all severity or rigors only upon the score of Religion, farther then is necessary for the cure of offenders, and the conservation of the publick Peace. I know the roughness or smoothness of mens educations and complexions, like Esau's and Jacob's, have much influence upon their opinions and conversations; yea, and upon their consciences too. If this may seem to some too great a facility and gentleness in me, yet it is an error on the right hand, and nearest the medium both of humanity as a man, and of charity as a Christian, measuring all Policies by Christs golden Rule, To do as I would be done unto.

Secondly, In point of State Policy also, or methods of true Government, I do conceive that meer plaguary counsels and punitive courses are never likely to obtain the main End, which is to stop the contagion of errors, and to extirpate those depraved opinions, which are justly thought to be the spawn of dangerous actions: For, unless the generality of credulous people, who are spectators of those that differ and suffer for their opinions and consciences, do also see so much light of Reason and clear Religion, as may justify the severity of the Laws executed upon those offenders, who profess Conscience for their Disobedience, and Scripture for their Consciences, it is most certain, that the spectators of their sufferings will very much soften to a compassion for them, and by sympathizing with their persons in affliction, they will, by degrees, sympathize with their opinions, easily running, as metal that is melted, into the same mold: at length the poplacy, if not fortified by pregnant demonstrations of Truth against those spreading

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errors and their *Pseudo-Martyrs*, will mightily cry up their *Piety*, admire their *Courage*, & magnifie their *Constancy*: At last they will conclude those *sufferers* to have some *special support*, or *diviner Spirit* above ordinary men, because they seem to be so much above the ordinary *passions* of fear and hope, self-love and preservation; which prospect of patience *Justin Martyr* tells us, was the first occasion of his examining the *Doctrine of Christians*, that he might see on what ground so fixed a *constancy* grew, which shewed a *Divine security* midst humane infirmity.

By such popular pity and applause, not only *sufferers* will be confirmed in their *persecution*, but their *spectators* also will dayly encrease and multiply, as the *shoots of Trees* do by the *lopping off* their *branches*: especially if the *lives* and *actions* of such *dissenters* and *sufferers* be *morally just* and *civilly innocent*. For nothing sooner discovers and blasts such *cross opinions*, and withers the glory of their *factions spectators*, then *vile, injurious* and *insolent demeanor* either in *words* or *deeds*, such as all men confess to deserve the *Gaule* and *Gibbet*. This indeed (as in the mad *pranks* of *John of Leyden* and his *Anabaptistick* crew in *Germany*, and so in our *Hacket* and other *Disciplinarians* in *England*, in the late presumption of the *Presbyterian Reformati- ons*, and *Independent Confusions*, full of *Perjury, Sacrilege, Treason* and *innocent Blood*) This, I say, will, as the *barking of Trees* round, presently bring any *Opinionists* and *Factionists* to publick scorn and hatred, as it did those *Papists* who heretofore in the *Atarian Persecutions*, in the horrid *Powder-Plot*, and in the late *Irish Rebellion*, full of *perfidy* and *cruelty*, have so blemished the *repute* of that *Catholick cause*, as it can never



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never be redeemed from just jealousies, but by actions of extraordinary Loyalty, Meekness and Humanity; besides the renouncing of some opinions.

But where harmlessness of life sets a glosse on Opinions, and Errors thereby grow more lusty and rank, (as ill weeds in good ground :) there meer robust power or punitive severity can no more pull them up, then a strong arm doth thorns and bushes when they are deeply rooted; breaking off the stem or top of them, but leaving the roots still in the ground, which will spring again, and spread farther. Here nothing is so effectual to do execution upon errors, as clear demonstrations of Reason and Religion; which reaching mens Consciences, by the proper methods of conviction, do, like a sharp Spade and Mattock, fetch up the very roots and fibres of evil opinions, to the utter extirpation of such noxious plants in a short time, except where knavery and hypocrisie do husband Opinions to the best advantage of secular ends and interests of reputation, profit or power.

After this charitable method and temper were those many learned Works and elaborate Tracts of the Ancient Fathers of the Church, Irenaeus, Tertullian, Cyprian, Saint Austin, Prosper, Cyril, Hilary, Optatus, Saint Ferom and others, written, conforme to the Canons and Decrees of Ecclesiastical Councils, guided by the Word and Spirit of God, and seasonably applied by their skilful and charitable hands, to cure the maladies and stop the Gangrenes of such pestilent opinions as sprang up in their dayes from Hereticks, Schismaticks and Fanaticks. Nor did those holy men at any time so despise the meannesse of any Christians outward condition, or the faintity of their

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opinions,

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*opinions, as not to set a great value on their souls, for which Christ had died; ever applying, first the sword of the spirit, the Word of Truth, in meekness of wisdom, before they craved the assistance; or encouraged the severity of the secular sword, from Christian Emperours and Magistrates; using all rational and religious means, untill they found, that depraved opinions put men upon desperate actions, as in those of the Novatians, Donatists and Arrians, also of the Manichees, Euchites and Circumcellians, (a primitive kind of Quakers) who by a specious constancy in praying, and affectation of suffering, so seduced the vulgar people, that the numbers of their devout, idle and hungry associates, at length, gave them confidence to make a prey and spoile of other mens goods, estates and lives too; till by armed Forces they were repressed, and by just Laws prohibited, in Honorius and other Emperours times.*

Then indeed *Charity to the publick peace and welfare must be preferred before any pity, charity, forbearance or indulgence to private persons, parties and opinions, which growing rude and insolent in their words or deeds, sufficiently discover they are not upon the pure account of Conscience, or principles of true Christian Religion; which is as farre as Heaven from Hell, or Christ from Belial, from teaching or impelling men to any actions or approvings of private sinnes and immoralities, much more from publick conspirings and practisings of Factions, Schisms, Sedition and Rebellion in Churches and Kingdomes: for which Christ never gave any Commission to his Disciples, nor the least countenance, but on the contrary, most eminent precepts and examples of*  
*humility,*

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*humility, meekness and patience under any sufferings for conscience sake; sufficient for ever to confute the most specious pretensions of any, who violently carry on their private Opinions, and pretended Re-formations, against the will and power of lawful Magistrates and settled Churches.*

I do judge it both *Piety, Charity and Policy*, to establish the rule of *publick Religion* by *Laws* for *Uniformity* in *Doctrine, Devotion, Discipline and Decency*, accompanied, as with *Rewards and Privileges* to the *Conformers*, so with some moderate *pecuniary Penalties* on *Dissenters*, according to *mens estates and influences*; but, I confess, I am not for *heavy mulcts, and rigorous exactions*, which shall *imprison, banish, impoverish or destroy* modest *Dissenters* and their *families* onely for the *variety* of their *judgments*, when their *civil actions* are otherwise *moral, just and inoffensive*. This *severity* would in some *Countries* (and possibly now in *England*) be not only *destructive* to many *thousands*, but very *disadvantageous* to the *King and Kingdome*, to the *Trade and Commerce* of the *Nation*, by opening a *little Wicket* of *Royal Clemency* only to some few, and shutting the *great Gate* to many, whose tender and unsatisfied, or scrupulous *Consciences* do as much expect, need and deserve it, as those that have it in *party matters*, while all others *scruples* are driven to *discontent and despair* by *denial* of all *indulgence* to them in *greater scruples*.

There are but these *four ways* of *treating* any *party* that *dissents* from the *publick establishment* of *Religion* and its *Laws* in any *Church and Kingdome*. 1. Either to *impoverish, imprison, banish and destroy*

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destroy all Dissenters, as the King of Castile did the Moors of Granada; which is a very rough, barbarous, unwelcome and unchristian way; disallowed by all wise men of all persuasions: Or, Secondly, by rational convincing them of their errors; which is a work of time and dexterity, not to be done on the sudden, no more then bodily cures, without a miracle; though very worthy to bear a part in the Discipline of the Church, which should require of every one a reason why they differ from, or forsake the established Religion, and treat them according as their persuasion, passion, or pertinacy shall appear to the Conservators of Religion: Or, Thirdly, by changing established Laws for their sake; which is not for the Piety, Prudence, Honour and Safety of a Nation and Church, when it judgeth its Constitutions to be religious, righteous and convenient: Or, Fourthly, by way of discreet connivance and charitable indulgence, so farre as the civil peace of the Nation will bear; until Reason and Religion (of whose prevalency wise and good men never despair) have by calme and charitable methods recovered people from the error of their ways, by the sacred Doctrine and good examples of those who conforme to the established Lawes in Church and State. This being first done, will render Dissenters unexcusable, and justify any severity which shall be inflicted upon the extravagances of those opinions and actions which do any way perturb the publick peace, or affront the established Religion.

And in this particular case of the Quakers (who refuse all legal oaths, upon scruples of Conscience, and so threaten either to subvert our Laws, or to obstruct

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struck all judicial proceedings, pleading for their disobedience to mans Laws, the express command of Christ and his Apostle Saint James) no sober man can think by *their penalties* to reduce them to a conformity with our Laws, or to stop the spreading of their *Opinions*, untill it be plainly shewed, that it is not true Religion, but onely *Superstition* in them, a fear where no fear is; a being *righteous* over-much, by a mistake of Christs meaning; a wresting of those *Scriptures*, by their own *unlearnedness* and *unstability*, to their own destruction, as well as to the publick *per-turbation*.

Noble Sir, this great work (for so it is, to convince weak and wilful men of the error of their wayes) I have undertaken in this little Treatise, by Gods blessing, not unseasonably (I hope) as to our times, nor unsuitably, as to my profession. If I may be happy to do any of them good (who possibly may erre in this with no evil mind) by redeeming them from their mistakes, and so from the penalties of the Law, I shall more rejoyce in that success, then those *Souldiers* did; who among the Ancients were rewarded with *Civick Garlands* for preserving any of their Countrey-men and fellow-Citizens: which Honour (you know) the Roman valour esteemed more, then any *victorious Laurels* for destroying their Enemies. And in this charitable endeavour (prospered by Gods grace) I shall the more fe-reously triumph, because I believe it most agreeable as to my Saviours precept and primitive examples of Christian Bishops, so to your generous Soule, whereby this piece may probably be fortified with the approbation of so pious and judicious a person; whose single suffrage



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frage is to me more valuable than the sequacious and vulgar votes of thousands, whose empty brains and clamorous mouths, like hollow places where Echo hides her self, do commonly receive and report things, not as the Truth is in them, but as the noise and cry is lowdest. I know you are as much above plebeian censures, as titular Honours, traditional Philosophy, and popular Religion, being every way judiciously devoted to God and his Truth, full of Loyalty to the King and Laws, also of sober Conformity to the established Religion of this Church, whose royal Law is that of Charity, the bond of perfection, and centre of Peace: In all which respects you deserve and have the love and honour of all worthy Persons, and particularly of him, who may, without vanity, own this as an instance of some worth in him, that he is,

Your most affectionate Friend,

and humble Servant,

March 20. 1666.

JOHN BAXON



A  
**DISCOURSE**  
Concerning Publick Oaths, and the  
Lawfulness of Swearing in Judicial  
Proceedings, &c.



Inding lately in the most *Honourable House* of The Occasion  
*Peers*, that a *Law* was likely to pass in or- of writing this  
der to punish, with *great Penalties*, those piece.  
*English* Subjects, who, under the name of  
*Quakers*, shall refuse to take, as other le-  
gal *Oaths*, so those which are usually required  
in *Judicial proceedings*, thereby to prevent, either the alteration  
of the good *Laws* and *Customs* of *England*, according to private  
mens fancies, or the *obstructions* and *violations* of *publick Justice*;  
(the free course of which (as that of the *Blood* and *Spirits* to  
the *Natural*) is the preservation of the *Life* and *Health*, the  
*Peace* and *Honour*, the *Happiness* and very *Being* of the  
*Body Politick*) which by the *Laws* and ancient *Customs* of  
this *Kingdom* of *England* cannot be duly administered, but by  
those forms of *solemn* and *religious Oaths* in the *Name* of the

## The lawfulness of Swearing

true God, which are the *highest Obligations* to Truth and Justice upon them that swear; also the greatest *satisfactions* or assurances that can be given to others, for the belief of what is so attested, and for acquiescency in what is so decided:

My interceding for some respite of Penalties, till better information is offered to the Quakers.

I was hereupon bold thus far humbly to intercede with that *Honourable House*, in the behalf of those *poor people* who are likely to fall under the *Penalties* of that Law, "That however I might consent to the passing of that Bill, out of that *justice* and *charity* which I owe to the *publick peace* and *welfare* (to which all private Parties, Interests, and Charities must submit;) yet I craved so far a *respite* for some time as to the *execution* of those *Penalties* upon any of them, as *Offenders*, until some such rational and religious course were taken, as might best inform those men of the *lawfulness*, by God's as well as Man's Law, of *imposing* and *taking* such *publick Oaths*: That so answering first their *Scruples*, and fairly removing their difficulties, either they might be brought to a *cheerful Obedience* in that particular; or else be left *without excuse*, before God and man, while the *truth* of the Law was justified against their *error*, and the *severity* of it only imputable to their own *obstinacy*.

"I further recommended this previous *method* of Christian *Charity* or *meekness* of *Wisdom*, as best becoming the *Piety*, *Humanity* and *Honour* of that House: 2. as most agreeable to the wonted *Clemency* of His Majesty to all *His good Subjects*; 3. as the *aptest means* to reclaim such as were gone astray from their duty, by the error of their fancy; 4. and to stop for the future the *spreading* of this and other dangerous Opinions, which are usually known under the name of *Quakerism*; the Cure of which is easilier done by *rational applications*, then by only *rigid instructions* upon those, who pleading *Conscience*, will by the Vulgar be thought *Martyrs* for their *Sufferings*; their patience spreading a love and esteem of their Opinions, by that pity and sympathy which people will be prone to have for their persons. 5. I further asserted this humble motion as very suitable to my *Profession*, as a *Minister* of the Gospel, as the special care of the *Bishops* and *Fathers* of the Church; *relations* which carry

"carry in them great obligations to Humanity, Charity, Ministerial Duty, Episcopal Vigilancy, and Paternal Compassion to any men, specially Christians who are weak or ignorant, erroneous in their judgement or dangerous in their actions. 16. Lastly, I urged the paterne of *Divine Justice*, whose usual fore-runner is *Mercy*; *Vengeance* rarely following but where *Patience* hath gone before, instructing men of their duty, warning them of the danger of their sins, bearing with their manners for a time, and calling them to repentance, before the *Decree* come forth to execution. Zeph. 2. 1.

To this purpose I am sure I spake; how I worded my meaning I cannot exactly recollect; confessing, that I never found my self (who am thought neither a barren nor a diffident speaker) more surpris'd with an ingenuous horror in any Audience, then when I adventured to speak in that most august and honourable Assembly of the Lords in Parliament, where there are so many excellent Orators, and accurate Censors; among whom it is safer to hear then to speak, and easier to admire then imitate their judicious Eloquence.

As the Motion seem'd to have some favourable Acceptance in that Honourable House from many Lords Temporal, and from some of my Brethren the Bishops; so I presume it will not be displeasing to their Piety and Charity, if I do that by a private and single hand, which I perswade my self all of them would readily assist me in by their joint suffrages and consent, if their leisure would permit them in common to consult and determine of this point. Nor can I but believe that His Majesty's Royal Clemency, which hath sought in the gentlest way to convince and conquer all His Enemies (whose Pride and Folly hath not made them desperate, and so the severest punishers of themselves) will graciously approve this my charitable endeavour, to redeem many of his well-meaning Subjects from those mistakes in Opinion, and mischiefs in Practice, which must either expose His Majesty and his Kingdoms to great troubles and dangers, if unpunished and permitted; or else compel His Native Gentleness to use at last (and it may be too late) those Severities, which not His own Benignity, but the publick Necessity, will require of a

The Acceptance of the Motion.

## The lawfulness of Swearing

Wife and Just King, whose *Lenity* to any party of his *Subjects*, contrary to Law, will soon become an injury to the *Community*, which cannot be safe or happy but by an *uniform obedience* to the same *Laws*, which must be the *rules and measures* of all mens publick Actions, the *tryers* of their failings, and the *inflictors* of their punishments.

Charity the  
only motive to  
this Interces-  
sion.

This Office of *Christian Charity* I have undertaken for *Christ* his sake, by whom I have received *many mercies*; not bespoken, or in the least sort obliged, by any of that Sect called *Quakers*, with whom I have so little *correspondency*, that I have not any *acquaintance*, not knowing any of *that way* by Face or Name, or one hours conversation: They being a Generation of people so *supercilious*, or so *stout*, that they are scarce *sociable* or *accessible*; speaking much in their *Conventions*: behind mens backs, but seldom arguing any thing in presence of those that are best able to answer or satisfy them; seeming wiser in their own conceits than seven men that can render a reason. I have seen indeed some of their *Papers*, and received some of their *Letters* written to my self; truly, not very rudely, nor malapertly; yet with so *abrupt* and *obscure* a way (so *blindly censorious*, and boldly dictating,) that saving a few good words and godly phrases in them, I found very little of *rational* or *Scriptural demonstration*, many passages so far from the beauty and strength of *Religion*, that they had not the ordinary *symmetry* of *Reason*, or the *lineaments* of *common sense* in them; at least in my apprehension, who am wholly a stranger to any *Caning* or *Chymical Divinity*, which bubbles forth many specious *Notions*, fine *Fancies* and short-lived *conceptions*, floating a little in an airy and empty brain, but not induring the firm touch or breath of any serious judgement.

The general  
moroseness of  
the *Quakers*.

Nor do I expect any thanks for my pains from any of that *Faction*, while they continue in their morose Opinions, in their *surly, rude and uncourteous Manners*. I do not hear that they are generally a people of so *soft* and *ingenuous* tempers, as to take any thing *kindly* or *thankfully* from those that are not of their own *Perswasion*: many of them seem to affect a reserved and rustical way of *clownish*, yea *scornful*, demeanour;

prone



prone to *censure, despise and reproach* not only their *better*s, but even their *Benefactors* and *Instructors*. Their *rude and leveling humour* denies to shew common *courtesie* and wonted tokens of *civil respect* to their *Superiours*; contrary to the reverent, gentle and humble *behaviour* of all *God's people*, in all Ages, *Jews* and *Gentiles*, then whom none were more full of *inward humility*, or of *outward respect and civility*, according to the custom of their Countries. Possibly, these *Quakers* may in a fit fear and flatter some men in power; but they do not seem much to regard any man with any true love or honour as to real worth, unless they be of their *Fraternity*; who pretending to a *diviner spirit* and *higher lights* than either *Reason, Law* or *Scripture* afford to other men, do think they have cause to *glory* in their own *imaginations*, and to despise all those who are not yet arrived to the pitch of their *presumption*.

Some men I find look upon these *Quakers* with an eye of publick *Fear* and *Jealousie*, lest the leaven of their Opinions and Practices, spreading far among the *meaner* sort of people (to whose humour that *rude and confident way* is very agreeable, while in a moment all their defects of Reason, Learning, Education, Religion, Loyalty and Civility are made up by a *presumed spirit* and *light within them*) lest, I say, it should, after the pattern of other *Sects*, both later and elder (such as were the *Montanists, Manichees, Circumcellians, Euchites, Samaritanians, Anabaptists, Familists, Presbyterians* and *Independents*) give occasion and confidence to common people to run to *Tumults* and *Commotions* under pretence of setting up *God* and *Christ*, and the *Spirit*, by the way of new *Powers, new Lights*, and new *Models* in Church and State. Of which rare Fancies we have had of late so many Tragical Experiments in *England*, under other Names, Notions, and Pretensions.

Certainly, it will become the publick care, and wisdom, as noticeably to permit the rise and spreading of any novel humors and ways contrary to the good Constitutions and well-tried Laws of this Church and Kingdom: so never to trust them, though never so soft and seemingly innocent at first. *Hornes,*

A just cause to be had of any new Sect or Faction.

## The lawfulness of Swearing

as in other Creatures, grow out of mens *heads and hands* too, as their *Bones and Sinews* grow stronger, as their strength and members increase. Nothing but truly *Christian and Evangelical Principles* (which are in the good and old way) do secure *Kings*, or sufficiently bind *Subjects* to their good behaviour. Though *Factions* at first may seem but as a *Cloud* of an *hand-breadth*; yet they will in time grow *big and black*, covering the whole face of *Heaven*, and pouring down *showres of Cruel troubles* upon any *Church and Nation*, if they be not *dispelled* by *Authority*. Let them go never so *soft and silently* at first, as *Cats and Lions* do on their *Paws*; yet they have all of them *sharp Fangs*, hidden and reserved *Talons*, till they find a fit *prey and opportunity* for their designs: then you shall see what *cruel Claws* they have. We see not only the greater *Hornets of rigid Presbyterians*, but the lesser *Wasps of Independents*, and the *Gad-flies or musketoes of Anabaptists*, with other *Insects*, after their pious *buzzing* at first, used their *stings* at last, and in their season, both *jointly and severally*, they fought to sting to death this *Church and Kingdom*: though at first, like *Serpents in Winter*, they seemed very tame and meek, as to their principles and practises. There is a *Wolf* under the *Sheeps clothing* of all *Novelizing Humorists*. All of them did either *begin, or continue, or increase* our late *Miseries*, and will *renew* them by their *emulations and ambitions*, from which the *miraculous mercies* of *God* have delivered us. The only advantage which these our late *Tragedies* can afford us, is, to learn wisdom by them, to govern our *hearts and affections* with greater *evenness and exactness*, also to look to the *Peace of Church & State* with all possible *circumspection and vigilancy*; never to trust the most *innocent smiles and harmless simplicities* of any *Innovators, dissenters and repugners* against well-settled *Laws and ancient Constitutions*, no way contrary to *Reason or Scripture*.

*Quakers* may be pitied, but not trusted.

For my part, though I have *piety and charity* for these silly *Quakers*, as they may now appear wrapped up in a kind of *clownish garb*, and ignorant *plainness*; yet I should forfeit my *prudence* much to trust their *Hands*: because I find the *Tongues* and *Pens* of some of them are full of *bitterness, scorn and reproch*;

proch; arguing much pride and presumption in their spirits, not befitting truly mortified Christians, and least of all such as are, for the most part, but mean people for birth or breeding, for reason and understanding, as well as estates. And for the pretended Inspirations or inward Lights of which they vapour, I never yet saw any beams or effects of them, that might give the least cause to think of them above other poor men, who live by the more sure and sufficient light of the Scriptures and our Laws, which raise them to much a higher pitch of knowledge and prudence, sanctity and due obedience, then ever yet I observed in any of this way, who seem very much infected with affectation and self-conceit.

I never conversed with any of their persons; and for their Writings, private or publick, (in which I suppose they shew their best abilities) I must profess there appears to me so nothing of an excellent or extraordinary spirit in them, that there is much of silliness, and never well-catechised ignorance, set off with great confidence; an odd way of folly dressed up with some Scripture phrases: like Sepulchres painted with sweet flowers and fair colours, but void of any true life and beauty within; either as convincing of sin and error, or as vindicating any truth or necessary point of duty and morality. They generally seem a busy, peevish and pragmatick sort of people, measuring themselves by themselves, admiring each other, even in their most ridiculous affectations and fancies: a kind of Dreamers, at once desiring and being deceived, doing and glorying in their rude and contemptuous carriage toward all men that do not either favour or flatter them in their rusticity and peevishness, which hath in it a great seed of pride and ambition.

Nor do they seem wholly void of other evil principles, which look very like Covetousness and Injustice, while they deny to Ministers of the Gospel, never so able and faithful, that maintenance by Tithes, which by the Laws of the Land are as much due to them as any mans Estate, and by no Law of Christ forbidden, but rather allowed, yea, ordained and proportioned by the Lord under the Gospel, by a paritie of justice and gratitude, in way of homage to Christ, and of due wages and hire to Gods labourers, as the livelihood of those that serve

The usual manner of their writing and discourse.

Their Covetousness and Injustice in refusing to pay Tithes.

1 Cor. 9. 13.

God

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God and his Church in holy ministrations. Nor is it a small insolence in them to endeavour, in an age of so much light and learning, to obtrude, yea oppose, the rudeness and silliness of their covetous and crude fancies, against the Prudence, Justice and Piety of this Church and Kingdom.

My pity for them on a treple account.

But my design in this place is not to ravel into all the pettie *Opinions, Enthusiastick Raptures* and odd practises of the *Quakers*: nor will I here severely perstringe them, because I have a great pity for them upon a threefold account. First, because I perceive them to be so very unlearned and unstable people; ever learning, but never coming to any solid knowledge of Truth, or any great improvement in Christian gifts; men of low parts, and small capacities as to any point of true wisdom or understanding in things Humane or Divine; tossed to and fro with every wind of Doctrine; easily seduced with specious pretensions and strange notions, even to Raptures and Enthusiasms, which are presented to them as rare novelties by some that are Masters of that Art, and Agitators for that Party; for what design, private or publick, forraign or domestick, God knows. Some suspect Jesuitick Arts to be among them. Indeed they seem so far to conspire with the craftiest *Love-lists*, as they bear a most implacable hatred against the Church of England: and under religious pretensions they may in time undermine the civil Peace, as other Factions formerly have done. The way to make them better Subjects is to make them wiser men and soberer Christians, by some publick care to have them better instructed as well as justly restrained.

*Quakers* suspected of Jesuitick Arts and designs.

The first rise or breeding of *Quakers*.

My Second ground of pity to them is, because they are a Sect lately bred by a kind of equivocal generation, as *Vermine* out of the pure matter and corruptions of former times; in which to many Factions cast forth their spawn and filth to the deformity and confusion of all things Civil and Sacred in this Church and Kingdom. They had their beginning from the very rabble and dregs of people, uncatechised, undisciplined and ungoverned in England. No wonder to find these people fly to inspirations and new lights, when they were hatched in dark times, which sought to put out all the old light of Law and Gospel. They might easily run to Rudeness toward their betters, and

and *Refractoriness* against our Laws, and *Obstinacy* in their Errors, and *Impatience* of any just coercions, when they had their first *original* and *extraction* out of that *squalor*, *mud*, and *sedity* of times which destroyed all *fear* of God and *reverence* of Man, which denied the holy *institution* of *Ministers*, the orderly *presidency* of *Bishops*, the just *authoritie* of *Magistrates*, the *freedom* and *honour* of *Parliaments*, and the *Sacred Majesty* of *Kings*. All these being troden under the feet of profane *Levellers* and cruel *Usurpers*, who can wonder that the *impiety* and *scandal* of those times should lead such *silly* people in those *temptations*, which sought by some *unwonted* waies to make even their *obscurity* *remarkable* at least by the parallel boldness of their *Opinions*, and the rudeness of their *Actions*?

3. Lastly, I pity them, because to me it is no wonder, if How they were first scared people of so *plain breeding*, of *unpolished manners*, (and possibly from all public Oaths. of no evil minds, compared to others of those times; though *ease* and *unvary*, as the *Quakers* for the most part are) if (I say) they were scared from all *Swearing* by the frequent forfeited *Oaths* and repeated *Perjuries* of those Times, in which the cruel *Ambitions* and disorderly *Spirits* of some men, like the *Demoniack* in the Gospel, brake all *bonds* of *lawful Oaths*, by which they were bound to God and the King; daily imposing, as any new *Partie* or *Interest* prevailed, the *Superficiations* of new and *illegal Oaths*, *monstrous Vows*, *factious Covenants*, *desperate Engagements*, and *dammable Abjurations*.

Poor men, the *Quakers*, as well as others, had cause to fear lest if they took an *Oath* to day, they should to morrow be forced to *renounce* and *abjure* it; not as to own a quiet *submission* and *profession* of *passive obedience* to Powers at present *prevalent* and *protecting* (which is the way of *temporary* and *reciprocal Oaths* of *Allegiance*, among those Subjects whose *fortunes* lying on the frontiers of *Dominions*, expose them to the *vicissitudes* of *Wars* and change of *Governours*) but to a formal *comprobaton* of most unjust *Actions*, yea to *renounce* and *abjure* the *undoubted rights* of others, to attest even by *Oath* the *Usurpations* of those as *lawful*, which were most *dramatically* contrary to the *Laws* of God and Man.

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The great temptation of those Times upon the Quakers.

This great temptation under which these Quakers then lived, makes me have much compassion for them; it being not only *easy* and *obvious*, but *venial* and almost commendable, for them to be carried to an utter aversion from all Swearing whatsoever, when they saw such desperate abuse and breaking of publick and solemn Oaths in those dismal days. But as the abuse of things lawful and good must not take away the lawful use of them, no more then some mens gluttony and drunkenness may deprive us of all eating and drinking soberly; so neither may Christians therefore deny all Swearing, because some men cared not what and how they did Swear and Forswear. Here a little clearing of those superstitious fears and prejudices which first possessed these men against all Swearing, may at once let them see the liberty they have for doing that which our Laws require, and our Saviour in the Gospel no where absolutely forbids, but only regulates and restrains.

The Quakers in some respects commendable.

1. For chusing to suffer rather then sin against their Consciences.

Nor do I only thus pity the Quakers, but I praise them also in some respects; being as no enemy to their persons, so a friend to any thing that is good in them. First, for their chusing (as they profess in those Papers given in that day to some of the Lords) rather to suffer then sin against their Consciences, and so against God; whose holy will shining on the Soul in Reason and Religion, either seeming or real, is indeed the present rule of Conscience. Nor may any man act contrary to these dictates which he judgeth to be Gods; though he erre as to the Truth of the Rule, yet his judgement binds so far as it represents, though in a false Glass, the supposed light of Gods will. For he that will venture to act against Conscience, though erroneous, will also act against it though never so clear and perspicuous.

Here the first care must be, that the (real or seeming) judgement be according to Truth, and then to act accordingly. Else, however the integrity of intention may be commendable, and so mitigate the fault; yet the sin of the action may be great, as was the error or aberration from the rule of eternal Truth and Justice. As that of Paul was when he persecuted and blasphemed the Christian Religion, being verily persuaded that he ought

ought so to do, against their way. So others should think they did God good service, while they killed Christs Disciples. A Conscience thus erring, falls into the snare or dilemma of the Devil; if it act according to its error, it sins materially against the intrinsic Justice and Truth of God and his holy Will, (the conformity to which is the measure of moral good and holiness;) if it act contrary to its appearing Principles, it sins formally and maliciously, as wilfully rebelling against the supposed will of God.

The Dilemma or Snare of an erring conscience.

So much it concerns every Christian to be fully informed of that Divine Truth and Light, which alone shews the right life, and good way: Else they will easily be brought to call evil good, and good evil, to call light darkness, and darkness light; to be over-righteous, by adding to the commands of God, or over-wicked, by making or esteeming themselves sinners, when indeed they are not so: either negatively superstitious, in abstaining from that as sin which is no sin; or affirmatively superstitious, in counting that a duty which is not so. Both are injurious usurpations upon the sovereignty of God, whose Scripture is infallible Truth, as his Sword is just and irresistible Power. So dangerous are erroneous fears, where no fear is; or presumptuous confidences, where is no Divine permission. Men must not set up the Idols of their own imaginations in Gods place; nor may they be falsaries, or forgers of that Coyne, which as to duty is only then current when it hath not only good metal, but also the clear stamp of Gods express will on it. The Mind of humane fancies, either melancholy and timorous, or pragmatick and adventurous, is but an adulteration of Religion, and a kind of supplanting of Conscience. The will of God, which is clear either in right Reason or true Scripture-demonstration, is sufficient to make the man of God perfect to every good word and work, without any additions or detractions, which are but as the Wens or murtherings, the excrescencies or deficiencies of mens extravagant minds and actions; so far from advancing the peace of Conscience or the honour of true Religion; that they deluge and defoune both of them. As no Laws of men contrary to Gods Word are to be actively obeyed; so Laws of men which are not contrary to right Reason and Scripture

The perfect and sure Rule of conscience. 2 Tim. 3.16.

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must not be *disobeyed*, but *conscientiously* observed for the Lords sake, 1 *Per.* 2. 13. *Rom.* 13. 5. in whose wisdom and authority such Laws are made and executed. The contrary will not only trouble the *publick Peace*, but that also of a mans own *soul*, at least, when after the vain *flashes* of light kindled from the sparks of their *private fancies*, they shall lie down in *darkness* as to their comfort and reward from God, whose judgment is according to *righteousness* and *truth*.

Isa. 50. 11.

2. Quakers commendable for their regard to the Scriptures.

Secondly, I cannot but commend the *Quakers* for their declared esteem in this of the authority of the *holy Scripture*, as the rule of *Faith* and holy life. For as by their instances alledged out of *Scripture* they profess a fear to sin against the *commands* there given by *Christ* against *Swearing*: so I may charitably presume, however they are by many suspected to slight the *Scriptures*, and fly to *Inspirations* or *Lights* within them) that they will be no less strict in doing what therein is required of them, as to *Truths* to be believed, *Mysteries* to be celebrated, and *Duties* to be done to God and Man.

Caution against misunderstanding and wresting the Scriptures.

The only *Caution* that here must be given them is, to take heed that they do not wrest the *Scriptures* (2 *Pet.* 3. 16.) by their *ignorant* and *unstable minds*; that they believe not every *Spirit*, or seeming and partial *Allegation* of *Scripture*; since the *Devil* oft feathers his *temptations* and *fiery darts* (as against *Christ*, *Mat.* 3.) with *Scriptural Citations* partially and preposterously applied. Not the *Letter* in its *abruptness* or *nakedness* of sense must be swallowed presently, but the *mind* of God must be searched out in the *scope* and *end* also, in the *manner* and *emphasis* of what is expressed. *Scripture* is indeed sufficient for the substance of all necessary *Truths* to be believed, and *Duties* to be done, or left undone; but it doth not stretch it selfe to the instances of every particular *circumstance* or *ceremony*, which private *Prudence* or publick *Laws* may regulate, according to order and decency, to edification.

Nor is *Scripture* to be well understood in *retail* (that is) by *single places*, taken apart by themselves, but in *whole-sale*, by the proportion of *Faith*, the *analogous* or *concurrent* sense, which is made up or *twisted* from *many places*. Many things

Rom. 13. 6.

in some Scriptures are expressed *darkly, metaphorically, figuratively, parabolically, comparatively*, by way of *allusion*; in *Metonymies, Synecdoches, Ironies, and Hyperboles*; in *Universalties*, which are limited to the subject intended. Many popular expressions have special regard to particular *times, places, persons, customs, and usages*; and must be so taken, as *temporary and occasional*. These must have *commodious interpretations*, consonant to that grand tenour of Gods word, which as the *life and spirit* runs through all the parts of it, but resides most eminently in some *places*, (as the *Soul* in the *Brain* or *Heart*) which are as the *essential, vital, integral* and *principal* parts of Scripture; the main *standards* and *measure* of all others, and of true Religion, both as to *Morals* and *Evangelicals*, *Mysteries* to be believed, and *Duties* to be performed.

Unless we observe these *prudentials* in searching the mind of God, and taking the true meaning of the *Scriptures*, we shall (as Saint *Austin* observes) draw *poison* with *Spiders* from those *sweet flowers* which would afford us *honey*. A depraved and *private* interpretation is the *corruption, wrack & torture* of *Scripture*, whose every line is as the *Sun-beams*, light and straight of it self; but *erroneous minds*, like *Glasses of Refraction*, or false *Mediums*, pervert them from their *simplicity* to their own destruction, as *S. Peter* speaks.

It were endless to enumerate those places of *Scripture* which have either *more or less*, or something *other* in their meaning and design, than the *Letter* seems to hold forth in the bare words of it. The true sense of *Scriptures*, how to be found out.

Extraordinary Commands, as to *Abraham* for sacrificing his Son *Isaac*, to the *Israelites* to rob, by way of borrowing, and recompense the *Egyptians*; the heroick impulses and actions of others, as *Moses*, *Phineas*, *Elias*, and *Sampson*; Commands to do things less comely and honest, either in a reality, or in a vision and representation, as *Hosea's* marrying an Harlot; the *Hosea* 1. 2. faults or failings of others, which were holy men as to their integrity, barely recorded, but not there blamed, as *Rebecca's* and *Jacob's* supplanting by a lye and fraud; the officious lyes of the *Midwives*, *Rahab* and others, *David's* feigning himselfe mad; the equivocations and dissimulations of others; These and



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and such like, that have any thing in them which seems or is contrary to the constant rule of *Morality, Piety, Sanctity, Honesty and Veracity*, must be *salved* by such an interpretation, and taken in such a sense, as may no way bring them into an ordinary rule or imitable example, contrary to the express and constant command of God in his Word, which is never to be allayed by the mixtures of humane Passions, Frailties and Infirmities.

Of commands  
affirmative &  
negative in  
Scripture.

So in things that are preceptive, either enjoying or forbidding, by way of proverbial speaking, the meaning must not be stretched on the senter or rack of the Letter; but as we gather some fruit that grow with thick shells, only to gaine the small kernels in them, so in these, no more is to be collected from the Letter than what may have due regard to the design and scope of the speaker. So in the fifth, sixth, and seventh Chapters of Saint Matthew; Christ's Sermon in the mount hath many such expressions: as of anointing the Head & Face in fasting; pulling out the right Eye, and cutting off the right Hand; giving to them that ask; to sell all and give to the poor; to turn the other Cheek to the smiters. These do not run Christians upon maiming and deforming their Bodies, or expose them to poverty and stupidity; but only they teach them to bear with patience repeated injuries, rather than be put beyond the bounds of Christian patience and charity; and to sustain any outward difficulties, rather than inward enormities of lust or covetousness, and the like.

Mat. 6. 19.  
25. 31. 34.

So not to lay up treasure on earth; to take no thought for their life, or care for to morrow; Labour not for the meat that perisheth, &c. Joh. 6. 27. to call no man Father or Master on Earth Mat. 23. 9. not to salute any man by the way, Luk. 10. 4. not to put on costly Rayment or Jewels, &c. 1 Pet. 3. 3. So Hosea 6. 6. I will have mercy, and not sacrifices: So, Rent your Hearts, and not your Garments. Joel 2. 13. Who hath required these things at your hands? Isa. 1. 11, 12, 13. viz. in this hypocritical fashion. These seeming Negatives, are not absolutely but comparatively spoken, to such a degree of love or care, or fear, reverence and duty, as are due to Gods great Commands and chief Designs, which must be the main bias of

Of Scripture  
general nega-  
tives limited.

mens



mens affections and obediencial actions, as most intent to moralitie, and not to content themselves with emptie formalities.

So in Ironical assertions, or seeming concessions, which are the sharpest prohibitions and reproches: as, *Fill ye up then the measure of your Fathers; He that is filthy let him be filthy still, and he that is unjust be unjust still.* These are not spoken in a flat

Mat. 13. 34.  
Rev. 21. 11.

and plain way, but in such a dialect and emphasis of familiar Oratory as the times and country did well understand, to signify other then the words sounded, either more or less. And it had been a very ridiculous childishness to have urged the Letter in its syllabical appearance, and against its rational meaning; which (as S. Austin long ago observed) must never be so put upon the bias of the bare words, as to sway or swerve them contrary to that Divine Verity, Morality and Sanctity which shines most clearly in other places, and whose light must be brought to enlighten those that are more involved and obscured, by reason of some proper phrase or idiosyncrasy of expressing things after the manner of men in those times: Else many things spoken even of God, and by God himself, and holy men after the manner of men, as seeing, hearing, smelling, being injured, angry, and repenting, &c. will be as blasphemies and irreconcilable (as both Jewish Rabbins and Christian Doctors observe) to his essential Attributes and immutable Perfections. Here the words look to the appearance (as when Angels are called young men, Mark 16. 5. Joh. 20. 12. Luk. 24. 4.) but the sense must look to the essence and reality.

Rab. Maimon.  
in Moreh Na-  
bucim.

Men will make as mad work of Scripture as Hogs will do with Gardens and Fields, when in stead of orderly plowing and sowing, that we may reap a fair and fruitful Harvest, we inordinately and rashly root up all things by a confused rudeness, which ends either in barrenness, or in briars and thorns, endless janglings and perplexities.

What long and sad contentions have the Papists made in the Western Churches the last 300. years, by rigidly urging those words of Consecration in the Lords Supper to a literal severity, making the Bread after Consecration so much Christs Bo-

The Papists  
rigidly urging  
the Letter.

# The lawfulness of Swearing

dy' substantially and not sacramentally, which all good Christians believe) that there remains no more natural substance of the Bread, but only under the accidents of Bread, the sole and entire substance of Christs Body; the same which is at once in Heaven and in every place where this Sacrament is celebrated, yea in every crum of it? By which Supereraphick opinion, Faith must not only forsake the senses and look above them, but flatly deny and contradict them, in every verdict which they give of their proper objects, according to experience and right Reason, which are a part of the Creators light to mankind. And all this by a magisterial, novel and seraphick severity, beyond the judgement of the ancient Churches, is imposed by pressing the ( *ῥῆ ῥῆδῃ* ) rigid Letter of the words in that part of the blessed Sacrament, and allowing no Metonymy or Symbolical speaking, which is so frequent in Scripture-Mysteries, and sacred correspondencies between the signs and things signified (as the Lamb is called the Paschever, and Christ our Paschever, and the Rock, Vine, Dove, &c.) While yet in the other part of the same Sacrament they are forced to subdue and soften the words to their due sense by such Metonymies and Tropes as must make the Cup to signifie or mean the Wine, and the Cup or Wine to signifie the New Testament in Christs Blood.

Certainly, as in such expressions which Christ there useth, and which we read in other Scriptures of parallel sense, to set forth Divine Mysteries (by their adapted Signs and Symbols, or Emblems and Seals) there must be believed something more sublime in them than the narrowness of the words, or perhaps the hearts of men in this world can fully comprehend; so, to be sure, nothing is by Scripture imposed upon us to be believed which is flatly contradictory to right Reason, and the suffrages of all our senses, and to the Analogy of Faith in the Scriptures. But here the meaning of the words must be measured by semblable places and like expressions, which are not wanting in the Scriptures; and yet are not so wrested by any Christians that are Masters of Sense, Reason, and true Religion, who do not cease by believing to be rational Creatures, or to be men by being Christians.

If the *Quakers* will fairly admit such *Cautions* and *limitations* as they do to other places, in the interpreting these *Scriptures* which they chiefly alledge to justify their denial of all *Swearing* whatever, I shall not doubt to reconcile them to my sense of them, nor shall I grudge to give them this *second commendation*, for their due regard to *Scripture* as the sure and sufficient rule of a *Christians* actions for the main and substance of them. But these *Scriptures* must be duly examined, exactly weighed, and aptly reduced to that standard of *Truth* which is most constant and clear in both *Morals* & *Fiducials*.

Thirdly, Yea, I shall adde a *third Commendation* of these *Quakers* (who shall rise in judgement at the last day against many of those that speak much against them) for this, That they seem to have so great a fear of an *Oath*; that out of a jealousy of *Swearing* amongst, they will not swear at all. Although they are superstitious in the degree of their fear (which I shall prove to be not justly grounded on the words they alledge,) yet no good man can blame them to have, as God commands, a just abhorrence of the sin of profane, easie, trivial, familiar, false and inconsiderate *Swearing*, for which the *Land mourneth*, Jer. 23. 10. which so disposeth men (as Saint *Austin* sayes) to *false Swearing* and *gross Perjury*; which are sins of the first magnitude. Nor can indeed much credit be given (any more then to a *Liar*) to any man that swears never so solemnly and in *Judicature*, who is a common Swearer, and hath no reverence either of the *Majesty* of God or the sacredness of an *Oath*. I formerly observed the great dread and just horror of all *Swearing*, (even that which the *Laws* required) wherewith the poor *Quakers* might easily be scared and possessed in those barbarous times of their first breeding, when so many *lawful Oaths* were despised and impatiently violated; nay, when *Perjury* and *Rebellion* were adopted to the Family of *Religion*; and voted for *Reformation*; when men were grown to preposterously zealous for God, that they would both lie and forswear to advance his Interest and Kingdom (as they pretended) in the World: till they were become as *Sodom* and *Gomorrah*, the abhorrence and abomination of all people of common honesty, who saw the

A third commendation of the *Quakers*, for their fearing an *Oath*. Eccl. 9. 2.

Zach. 8. 17.

Jurandi facilitate in perjurium labimur.

August.

Contemptor religionis ad jurandum facili.

Ulpian.

And worst

οκα πλεον

δύσκολα δύσκολα

πλεον, Eccles

23. 11.

\* Ezek. 17. 18,

19.

## The lawfulness of Swearing

Land not only defiled with innocent blood, but most sadly mourning under the burden of such prodigious Swearings and hypocritical forswearings, as were not only vulgar and trivial, but solemn and authoritative.

It was and is well done of the Quakers to be wary of such Swearing, because the brands of Perjury (as the Devils stigmata) are among the marks of sin hardest to be wiped off or worn out, without a wound and scar on the conscience, no less than the credit and reputation of a Christian.

But not for their Superstitious fear, against the good ends of Oaths in judicature.

But yet I cannot consent to them, nor commend them, for their being *righteous over-much*, by their absolutely denying and condemning, as *sinful*, the *solemn, sacred and judicial* manner of Swearing required by the *Laws* of this *Kingdom*, and allowed by this and all other *Christian and Reformed Churches*: In which *Oaths* either the *recognition* of a *known Truth*, or the *avowal* of a *Right*, or the *profession* of a *loyal Duty*, or a *sure Testimony* in matter of *Fact*, are required both in *allegiance* to the *Prince*, and in *justice* and *charity* to our *neighbours*, for the *trial* of doubtful *Cases*, and determining of them in *judgement*, *righteousness* and *truth*, as with least *error* in themselves, so with most *reverence* and *fear* of *God*, the *fountain* of *Justice, Truth, Order* and *Peace* (whose the *judgment, power, and authority* is;) also with most *secularity* to the *publick peace* and *welfare*, which are bound up in the due execution of *Justice*: and lastly, to the most *satisfaction* of all men, who can desire or expect no higher appeal or attestation, than the *Omniscience* and *Omnipotence* of the *Judge* of all the earth, called as a witness upon their souls.

Jer. 4. 2.

Deut. 1. 17.

These grand and publick concerns, in which *Gods glory* and the *good* of *man-kind* are involved and carried on by the *sacred solemnity* of *publick* and *legal Oaths*, as they do command a great *strictness* and conscientious *caution* in all such *Swearing*, so they do, upon *Scriptural, moral, and political* grounds, sufficiently justify the use of that *Swearing* which they thus require, and which without this method of *religious justice* cannot be obtained in the now inveterate *wickedness* and *degeneracy* of humane Nature: For a *sure* and *ready* way to which good *Laws* are appointed, and these executed with that equity,



equity, sanctity and solemnity, which at once befits both men and Christians; that is, persons related and responsible not only to humane society and authority, but owners of, and appealers to, *divine Justice and Vengeance*: of whose last great and dreadful Tribunal our little Courts of Justice and judicial proceedings on Earth are previous Emblems and Forerunners.

For the preserving and asserting these great and good Ends is that Law now enacted against the Errors and Obstinacies of the Quakers; seeking by just penalties to remove those Obstructions which their contrary declared principles and avowed practices endeavour to put upon all judicial proceedings; yea, and to shake that mutual security which both King and Subjects have by the interchange of their respective Oaths to each other, in the name of the blessed God. These good & necessary Ends do justify the severity of those means which the wisdom of the Parliament applies, consonant to Gods word: nor may any Subjects complain, since, as the Law is imposed by all Estates, so upon all sorts of people without respect of persons: nor can any Nation be thought cruel to itself, or to inflict too severe punishments on it self, when not only the regard to the personal offence, but the care and caution for the publick welfare and indemnity is the measure of such Penalties inflicted.

Against all this the Quakers plead their consciences, which they say will not permit them in any case to Swear. The ground of this their conscientious Resolution of not Swearing, lest they should sin, is produced, as appears by their Papers, from these too pregnant places, Mat. 5. 34. where our Saviour citing the old Law from Exod. 20. 7. Lev. 19. 12. & Deut. 5. 11. as allowed by the Jews, commanding them to swear only by the name of the Lord; and in those cases not to forswear themselves, but to perform their Oaths to the Lord; adds by way of reformation, But I say unto you, Swear not at all: and Saint James 5. 12. where the Apostle to the same sense and words repeats the command of Christ, Above all things, my Brethren, swear not at all.

Both places indeed seem at first sight point-blank (as

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some

The end of the Law against the Quakers.

The ground of the Quakers plea for their not Swearing.



Pr. mā facie  
ille videtur  
sensu Evangelicū  
omne inter  
Christianos  
damnari juramē-  
tum. Z-  
gerus.

Mat. 19. 8.

some Commentators observe) to forbid all manner of swearing among Christians; both have *emphaticall* or *vehement* words. The first, Christs Authority, reforming not only the *Pharisaick* Corruptions of the Times; but even the *Mosaick* indulgences in some things, which were rather not denied for the hardness of the Jews Hearts, then positively granted: I say unto you, Swear not at all; that is, not by those Oaths in which you make now no scruple to swear and forswear.

So the Apostle Saint James, writing to the dispersed Jews; Above all things, my Brethren, swear not: evidently referring to the words of our Saviour, and the same ends.

Nor are the fears and scruples of the Quakers in point of swearing to be wholly despised; when they have two such notable Texts in their way, which seem to stand, as the Angel of the Lord against Balaam, with a Sword in their hand to stop the way of any Swearing whatsoever. Both Texts are allowed on all hands, as the word of God; All are agreed that the words are a *divine* and *strict* prohibition against the sin of Swearing; and therefore in all charity the words ought to be cleared, and their scruples removed.

Three Questions.

The Questions about the interpretation, scope, and meaning of the words are: 1. Whether all Swearing be utterly forbidden, because it is and ever was in its nature a sin against morality.

2. Or whether all Swearing is therefore now a sin, because thus forbidden by a positive Law of Christ under the Gospel.

3. Or whether only some sort of Swearing, which is a sin, is forbidden; but not such Swearing as is no sin, but rather an act of special veneration, or sanctifying Gods name, also an act of justice and charity to our neighbours or our selves.

1. Question answered: Swearing was lawful among the Jews.

As to the first Question, whether all Swearing be now by Christ forbidden, because it is and ever was in its Nature a sin against Morality, that is, against the eternal rectitude and goodness of the Divine Nature and Will; I answer, I suppose the Quakers are not herein positive; nor are they condemn as morally and always evil, all swearing by the Name of the most high God: For which practise of old among the

few

*Jews* we have not only so many precedents or examples of holy men, approved by God, as *Abraham, Jacob, David*, and others, (yea and the example of *God himself* (as I shall after instance in) swearing by *himself*, as the *high and holy one*, whose supreme power and inimitable excellency is the highest *assertion* or *ascertaining* of what is so spoken, either to win us to belief, or to strike us with *terror*, leaving men without excuse, if being so happy as to have the *Oath of God* to assure them of a truth, yet they will not believe God, no not swearing for their sake, as *Tertullian* speaks) But also we have express commands of God: First, that great one in the *Decalogue*, where the Negative, of not taking Gods name in vain, or falsely, doth include the Affirmative, of using the name of God in thinking or meditating, in reading and writing, in speaking, praying, blessing, praising, promising or attesting, vowing or swearing, with due reverence and adoration to his Divine Majesty, which is intimated by his *holy name*, as the summary of all his Attributes. And agreeable to this great Command are those many other places so frequent in the *Old Testament*, which command the people of God to swear only by his Name, *Deut. 6. 13.* and this, in righteousness, judgement, and truth; *Jer. 4. 2.* of which I shall after give more particular account, when I prove that *moral, divine and eternal good* which is in lawful swearing.

Hence Gods frequent reproof, threatening and punishing with a curse, not all men that did swear, but only such as swore falsely, either as to their present judgements and intentions, or as to their after violating of their Oaths, to the profaning of the name of God; yea, and those who by trivial, light, and inconsiderate swearing, took the name of God in vain, having no reverence to his Majesty when they made mention of his name with their lips: lastly, those that swore, though truly, by false Gods, as *Baal*, or by any Creature, as if it were to them in stead of God.

This then I suppose is so clear, even to the silliest and most scrupulous Quakers, that they cannot doubt of the lawfulness of swearing lawfully among the Jews, not only as permitted, but commanded.

Nay

Nay (perhaps) they will grant that a *Christian in some cases* may give his Oath to an Heathen Prince, or others of *different Religion from Christianity*, when in cases of *safety*, or *ransome*, or *life*, or other great concerns, they may be thereto required of them, and will by no other way be satisfied: It being a Principle of *natural Divinity* bred in the hearts of all mankind, that the *invocation, attestation and adjuration in the name of the God* which they respectively own, is the greatest assurance which can be *given or desired*; as I shall make to appear afterward, when I come to shew the consent and practise of Nations as to deciding of Controversies by swearing.

Quere, whether among Christians all Swearing be forbidden.

Πᾶς τὸ πῶς  
αὐτῶν  
ἰσχυρίζεσθαι  
ἔχουσιν. Ioseph.  
de Essenis.

ἐν τῇς πρὸς  
οὐκίας Ἰου-  
δοῦλα. Cl.  
Alex.

The scruple then lies only upon these *prohibitions* in the Gospel given by *Christ* and the *Apostle Saint James*; forbidding absolutely (as they suppose) *all swearing*; at least among Christians, whatever was used or indulged among the *Jewes* (as were *Revenge*, *Polygamy* and *Divorces*, and other political dispensations, for the uncharitableness, wantonness and hardness of their hearts) *Christ*, as they presume, restoring the *communication* of Christians both publick and private to that *integrity of mind, simplicity of speech and sanctity of manners*, which may deserve of one another as much *credit* as if they *swore*; according to that strictness which the *Esseni* among the *Jewes* used, whose word was, *As sure as an Oath*. So that they say, we may not in charity either *exact* of our Brethren, or *give* to them any Oath; since they deserve to be *believed* upon the same terms which they *believe* others, that is, their bare *Yea* or *Nay*, simple *affirmings* or *denysings*, without any *swearing*; which they think an old *Judaick superstition* of speech now circumscribed, and precisely cut off from the *lips* of *Christians*: No man deserving to be *believed* on his *Oath*, who hath lost by *lying* the *credit* of his bare word; nor any man deserving to be *confirmed* by any honest mans *Oath*, who hath not the *charity* and *humanity* to believe him without it.

And certainly the affairs of Christians, both publick and private, would be no less to their honour and ease, if there were in no case any need or use of any *Oaths* or *Swearing*; but such an *authentick veracity* and *just credulity* on all sides, as might well spare even the most *true, sincere* and *lawful Oaths*,  
keeping

keeping on all sides as great a distance from *lying* as from *false swearing*. And certainly as *these two, true speaking and true swearing*, are near of kind, of the same *Father, God*, and the same *Mother*, an honest and veracious heart; so the other two, *lying and false-swearing*, are progenies of the same parentage, of their Father the *Devil*, and from a *perfidious heart*. *Perjury* and *Lying* are of the same *Web or Spinning*; only the first hath the stronger twist, and the deeper dye or tincture of *Hell*, being more the *Devils colour* and in grain.

The *Eutopian* desire and aim of these *Quakers* is not to be found fault with, if it were feasible. Yea, it were to be wished that the evils of mens hearts and manners, the jealousies and distrusts, the dissimulations and frauds of many Christians, their uncharitableness, unsatisfactions and insecurities, were not such, as by their diseases do make these applications of solemn Oaths and judicial swearings necessary; not absolutely, and morally, or preceptively (as the Schoole-men note well) but by way of consequence and remedy; as good new Laws are necessary for the curb or cure of new evils in *Polities and Kingdoms*. Possibly as *Christians* (truly such) we should need no swearings in publick or private: but as men, weak and unworthy, we cannot well be without such Oaths to end *Controversies*, and to secure, as much as man can do, the exact proceedings of Justice.

If it do appear that all swearing is absolutely by our Lord *Christ* forbidden to his *Disciples*, God forbid we should not obey his word, and rather change the *Laws of man*, then violate his commands, to whom we *Christians* owe the highest love, loyalty and obedience. But if it shall appear to religious Reason, that the words of *Christ* do not import any such absolute forbidding of all use of swearing, but by the scope of them and the analogy of *Scripture* they have another true interpretation and limited meaning, we must not be so much slaves to the Letter, as to lead *Truth and Reason* captive, or to deprive our selves of that religious liberty which is left us, and so is not only lawful for *Christians* to use, but in some cases it may be prudentially necessary, as to the expediences of mens jealousies, loves, liberties, estates, and good names, even in private; much more

The specious design of the Quakers not practicable.

Quamvis jura, non nolum tibi credere.

Juramentum non aliter quam medicamentum urgente necessitate usurpandum.

Non adhibetur iurandum nisi ad subveniendum defectui.

Levitas hominum & inconsistentia diffidentiam genus, cui remedium quantum est iurando. Grotius.

Ad rdy blor Exor d'Exor: colator. Clo.

more in the *dispensations of justice* to the *publick peace*, and general satisfaction of whole *Polities* and *Communities*, wherein men live *socially*, under *law* and *government*.

The true state  
of the Con-  
troversie.

The Controversie therefore which is risen between the *Quakers* and almost all other Christians will come into this narrow room.

Not whether  
vain swearing  
be so bidden.

1. Not whether a Christian may swear *vainly* and *rashly*, by a *spontaneous* and *occasional* easiness, either promising or asserting, although it be a *truth*, and by the *true God*, but without reverence to God, and in matters of so little, yea no importance or difficulty, as neither *deserve*, nor *need*, nor *require* an *Oath*. To this we all agree with the *Quakers*, *Christs* words condemning all such *profane* and *trivial swearing*; much more if it be in *fraud* and *falsitie*, which makes such *Oaths*, as the *Coyne* of an *Usurper*, which is *false metal* and *stamp* too, a *complicated sin*, and one of the strongest *chains of darkness* which the *Devil* and a mans own *lusts* hamper the *Soule* withal.

Nor whether  
one may swear  
by any Crea-  
ture.

2. Not is it any question whether Christians may swear in any case by any *Creature* as such, not relating by it and through it to God above all, who is the *Alpha* and *Omega*, the *center* and *circumference* of all things, from whom they have their *being*, and in whom is the *Idea* or *Prototype* of all their *perfections*. To terminate an *Oath* in a *Creature*, is to put the stamp of *Divinity* on it, to make it an *Idol* in Gods stead, and to profane his *holy name*, by swearing by it as by a *false God*. The swearing by any *Creature* as such, we all own to be a *great sin*, according to those *instances* which our Lord *Christ*, and Saint *James* from his mouth, give us, when they explain their meaning of *Swear not at all, &c.*

Nor whether  
an Oath by a  
ny Creatures  
name may be  
broken.

3. Nor is it a question whether an *Oath* made by the name of any *Creature*, and in a *thing* lawful, may yet be *broken*; or whether it be a sin to swear *falsly* by them. All agree, that though the *Oath* be *rash*, as by a *Creature*, yet it binds in things lawful no less at least to *truth* and *justice* than any *simple promise*; and it may be something more. Here that is true, *Fieri non debuit, factum valet*: Like Bastards, they should not have been begot, but they must be kept; unless the matter

be



be sinful, as *Herod's Oath* was which beheaded *Iohn Baptist*,  
Mat. 14. 9.

4. But the question is, Whether those words of Christ and the Apostle do utterly forbid all Swearing in any case whatsoever to all Christians; so that by the Law of Christ it is a sin to swear, as in private, so in publick transactions, or any Courts of Judicature, be the matter of the Oath never so just and true, and the manner of it never so solemn and sacred, and the Authority requiring them never so lawful in civil respects.

This the Quakers affirm, led thereto, as they profess, meely by the Conscience of that obedience they oweto Christ, whose will they say is expressly declared in those words to all his Disciples, Not to swear at all, in no case, at no time, upon no mans command. Nor do they argue any thing further by way of rational deduction, moral grounds, or religious principles, either from the nature of an Oath, or from the consent of other Scriptures, or from the Divine Attributes and glory; but barely insist upon the words, and urge the (so called) Letter, as an absolute or universal Negative, without any limitation or dispensation: So feeding on the rinde or shell of the Letter, and gnawing the bone of the bare words; that they never come at the kernel and marrow, or true meaning of them.

On the other side, I do deny, in the behalf of my own Conscience, and the consentient sense of this Church and Kingdom, yea, of all Christian and Reformed Churches of any renown, That all swearing is forbidden by those words of Christ and his Apostle: But that our Saviours words are to be understood with such a limited sense and strict interpretation as suited to his scope and design, which was to rectifie popular errors, and remove common abuses in Swearing, but not wholly to forbid the use of it in a religious and lawful way.

All Swearing is not by Christ or the Apostle Saint James forbidden.

And because it is not sufficient in order to my design (which is to justify the legal proceedings of this Kingdoms Justice by Oaths, and to satisfy the scruples of the Quakers) to oppose my Nay to their Yea, or to offer the bulk and chaff of words void of such Reasons as either flow from the nature of all things and all actions as good or evil morally, or from the

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will

## The Lawfulness of Swearing

Mar. 22. 29.

will of God revealed in the *Scriptures*, which is a *Treasury of right Reason* as well as a *Rule of true Religion*; I will endeavour to give those *Reasons* which induce me to believe, that the *Quakers* (as Christ said to the *Saducees*) do erre not knowing, or not right understanding, the mind of Christ in those *Scriptures*, which is not to forbid all *Swearing*, nor such as the just and religious *Laws of England* do require of all under its subjection in some cases.

I will not seek to oppress or confound the *Quakers* with the shew of many *Reasons*, as if I would carry the cause by number and not by weight; but content my self with those few which are most pregnant, plaine, and easie to be understood by them.

Reasons to prove all swearing is not forbidden by Christ.

1. *Reason*; From the occasion of Christ's and the Apostles words, and the scope or end of them, to which his own instances by way of explication of his meaning do best direct us, both as to what he forbids and enjoins; to some of which the *Quakers* themselves do consent.

2. *Reason*; From the moral and religious nature, end and use of Oaths, which God had instituted and approved, without any repeal by Christ or his Apostles.

3. *Reason*; From other places of the *New Testament* which give light to these, both by principles granted and suitable examples expressed.

To these *Reasons* I will add (by way of full measure heap'd up and running over) the concurrence judgement of other *Christians* and *Churches*, ancient and modern, in their interpretation of these words; with answer to the *Allegations* made from the sayings and manners of some *Primitive Christians*.

This done, the conclusion will easily follow with great clearness and good authority to all that are truly wise, and have their eyes opened and senses exercised to discern good and evil.

1. First Reason from the occasion, scope and end of Christ's words.

The first *Reason* is from the occasion, scope and end of our Saviours words, and so of the Apostles. For these as the basis of all speech, do best discover the speakers mind; there being no surer way to wrest and pervert *Scriptures*, than to take them

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abruptly

abruptly and absolutely, when they have a relative, comparative, or limited sense in the aim and purpose of the speaker.

Our blessed Saviour in this Divine Sermon on the Mount (of which Saint Matthew gives us so large an account) makes it his main aim and scope, first, to set forth those spiritual, heavenly and eternal blessings, which beyond those sensible, earthly and temporary ones (which were so much of old set before the Jews to invite them to obedience of Gods Laws) were now to be chiefly regarded by Christians, as their peculiar comforts, hopes and rewards under the Gospel; which though attended with many persecutions, yet was not without many blessings peculiar to true believers: from vers. 3. to vers. 12.

Secondly, our Saviour gives many singular lessons or precepts of more eminent diligence, patience, charity, mortification, self-denial, sincerity, constancy, perseverance and perfection of obedience required now under the Gospel, above what either the Letter of the Mosaic Law seemed to exact, or by the Pharisaical Interpretations were taught to the Jews. So that unless their righteousness did exceed that so popularly admired of the Pharisees, they could not enter into the Kingdom of Heaven, vers. 20.

Thirdly, our Saviour with much earnestness and exactness applies in this Sermon to reform those abuses, which either by the Pharisaical glosses (either too much loosning or restraining the meaning of Gods Law) or by their depraved examples, or by popular custom had prevailed among the Jews, contrary to the true meaning of the moral Law of God, and the primitive Institution, which gives us the clearest view of the Law-givers intention.

For the exact observation of which, however by Divine indulgence and connivance, or by the hardness and uncharitableness of their own hearts, and the customary depravedness of times and manners, they might seem to have had some temporary dispensation heretofore granted to them; or at least had presumed to take it to themselves; yet now under the Evangelical strictness to which Christ came to restore or raise the Church, they might not fancy to themselves any such liberty, but were to keep themselves in thought, look, desire, word

The end or design of our Saviours Sermon in the Mount to reform abuses; not to take away the right use of things.

## The lawfulness of Swearing

and deed, to that *sanctity* and *severity* which was required by the *Law*, and most conform to the holy *Will*, *Attributes* and *Nature* of that *God* whom they ought to imitate as their heavenly Father in all sacred *perfections*, which humane Nature, assisted by the *light* of the *Gospel*, the *grace* of *Gods Spirit*, and the visible *example* of *Christ*, was capable to attain, at least sincerely to aim at and endeavour.

So *vers. 22.* He tells them that not only *wilful murder*, or malicious killing, was forbidden, but *rash*, *unreasonable* and *irreconcilable anger*.

*Vers. 28.* That not only *Adultery*, but all *lust inordinate* after a Woman (that is not in order to marriage, and the honest ends of it) were so severely forbidden, under pain of *Hell fire*, that it were better to deny those *sensual pleasures* of the flesh, which seem as *dear* to men as the *delight* of their eyes, or the *strength* of their hands, then to indulge them with the danger of their souls.

*Vers. 32.* So in the case of humorous and lascivious *Divorces* usually given to *Wives* upon no just cause, *Christ* restrains that indulgence only to the case of a *Wives* *deserving* to be put away, for having broke her *conjugal vow* and band of *Marimony* by her *Adultery*.

Not to instance in many other particulars of abuses which *Christ* reckons up and reforms in that *Sermon*; (as touching *private Revenge*, *vers. 39.* not *publick* and vindicative *Justice*; so of *loving our enemies*, *vers. 44.* of *alms*, *prayer* and *fasting*, without *ostentation*, *pride* or *hypocrisie*, against immoderate love and care for things of this world, and the like) the immediately next is this of *Swearing*, *vers. 33, 34.* In which, as in many other things, the *Jews* had much *depraved* both the true nature and use of *Oaths*.

1. They pretended indeed (as *Philo* and *Iosaphus* tell us) a great reverence of the *Name* of *God*, and seemed to make great conscience of swearing in small matters by the name of the Lord, according to the *Letter* of the *Scriptures*; yea, they made scruple to swear at all in any case by (יהוה) the Lord *booth*.  
 The depravedness of the Jews in this point of Swearing.  
*Indecorum est in leviculis ad Deum transcurrere, sufficere per creaturas jurare. Ex Philon.*  
 Ἐπὶ τῶν τοιαύτων ἐκτρέφοντο καὶ τὸν ἀναλόγου.

For which the *Heathens* mocked the *Jews*; as in that of *Ou* *περηλά;* *Marial*, *Jura, verpe, per Anchialum*. These Oaths they *πρὸς θεῶν* thought binding; nor would they in these easily swear or for-*ομνίσαντες* swear themselves. Which regard to their Gods was in use *αὐτὰρ πρὸς θεῶν* among the gravest *Heathens*; as is observed out of *Homor*: *τυγχάνειν* therefore they took any obvious thing to swear by. *ταύτῃ.*

2. But they indulged themselves in other familiar Oaths; or forms of common Swearing (as many Christians now do) by whatever came next to their minds or tongues: as by the Temple and holy City, by their own or others Heads, Hands, Lives and Souls; so by Heaven, and Earth, and the Light. Thus waving the attestation of Gods omniscient Justice, and the swearing by his name (as was commanded) in righteousness, judgement and truth, they put this Character of Divinity on the Creatures, no way competent for them, unless as they are in relation to, depending on, and derived from the blessed God.

3. These vulgar Oaths they used not only in a familiarity and facility of inconsiderate swearing, upon small and light occasions, yea, and in asserting of things not true, as to their knowledge and intencion, which was doubly a false swearing; but in things of weight and concerne, as to that charity, justice, and equity which they owed to others, they chose this way of Creature-Swearing, both promissory and assertory, because they fancied such Oaths, being not with the solemnity of invoking Gods name, were not binding upon their Souls either as to truth or right; but they might play with them at fast and loose, according as their own interest or pleasure did sway them. Hence as they swore in point of form, so also in point of matter, without any regard in these cases to that Command of God against forswearing, and for the performance of Oaths to the Lord (which places Christ cites, and to which Law they professed to adhere, so far only as they used the name of God; else they dispensed with their Oaths, and easily digested even perjury itself.)

Upon this occasion, and to reform these gross abuses, our blessed Saviour gives this Command, Swear not at all; that is,

(as



christus non  
simpliciter ju-  
rare venit, sed  
eo more qua  
vulgata sicut.  
Erasm.

(as Erasmus paraphraseth) not after those usual, presumptuous and unlawful forms, by the names of Creatures, of which he gives so many following instances to express his meaning. For he doth not instance in the lawful use of religious Oaths, by the name of the true God, which was not only allowed, but, in such cases as did require an Oath, with its due circumstances of Judgement, Justice and Truth, commanded.

In omnibus ju-  
randi modis ta-  
citur: us conti-  
netur.

2. He tells them, that even in those Oaths which were attested only by the naming of any Creature, as by Heaven, or Earth, or Jerusalem, or their Head, &c. there was a tacit calling of God to witness, since every Creature depends on God, and relates to him as the Center and Circumference, the Source and Sea of all things. Heaven is Gods Throne, Earth Gods Foot-stool, the Temple Gods Sanctuary, Jerusalem the City of God, the most eminent place of the great King of Heavens residency on Earth.

Unlawfull  
Oaths as to  
form do bind  
in things law-  
ful.

3. He implies, that however such various and irregular forms of Oaths, by the name of any Creature, were as to the manner of them unlawful, yet they obliged men to perform them, if the matter of them were lawful; nor were they excused from perjury or false-swearing in those cases, if in assertory Oaths they swore falsely, or in promissory, either not intending to perform what they so swore, or not after performing them, so far as was in their power. But the *Yes* and *Nay*, the Affirmative or Negative of such swearing in word, ought to be also *Yes* and *Nay* in the purpose and performance. And although they ought not so to swear, yet having so sworn they were obliged to the moral ends of an Oath, which is to make it good in Truth and Faith.

Non putabant Judæi se teneri  
jurejurando si per ista iuraf-  
sent; nec reddendum Domino  
tale iuramentum: Summa sa-  
men n. hil tam vile in creatu-  
ris Dei ut per hoc quisquam  
pejorandum arbitretur; quon-  
iam à summis ad infima Dei pro-  
videntia sequuntur creatura. Auct.  
Ser. 18. de Verbis Apost.  
Qui per salutem suam iurat  
Deum jurare videtur; respectu  
enim Divini nominis iurat.  
Ulpian.

Agreeable to the same end and scope, and almost in the same words, Saint James writes to the dispersed Christian Jewes, who still retained that evil Customs of ordinary Swearing by the Creatures, as Heaven and Earth, and other such like Oaths, without any conscience of the manner of manner, or making good in effect such Oaths.

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The meaning therefore of *both* places (as the learned *Gratus* and others observe) is no more then to take away the ordinary abuse of such swearing; but not that *right* use which God had allowed and commanded in his word: Nor is there more implied in those words, as to the subject-matter, then in those, where God complains; that because of Swearing the land mourns, Hof. 4. 2, 3. that is, by unlawful Oaths; and the curse shall come into the house of the Swearer; Zach. 5. 4. that is, such as use idle, false, and forbidden Swearing, Zach. 8. 17. Not those who swear as they might do by the name of the Lord, in righteous judgments and truths, which God no where reproves.

The meaning of Christs words against Swearing. *Non vetai Christus iurandum ut remissum sit in illis, sed ut rem quâ nisi in negotiis maximi momenti usum paranon licet: in illis quâ potest religio.* Erasmus in loc. *Adulter uno istu solet apud non simpliciter negando iuramentum, sed eo modo qualiter vult subat: quemadmodum vetauit iram, laborem, curam de terrenis, vindictam, &c.*

As if one should inveigh against drinking and feasting, and singing, and dancing and dalliance, where the usual riot, excess, and wantonness of any people had generally run these things to an inordinacy; which doth no way condemn the sober, modest and seasonable use of them.

That this thus limited sense of Christs words against the abuse of Swearing, so familiar among the Jews, was Christs meaning in the negative part of his words, appears by the affirmative part of them, which the Quakers themselves will, I suppose, confess must not be taken in an exclusive latitude, or such a broad universality of command, as enjoynes us to use no other words in any communication by way of affirming or denying any thing, but only *Yea, Yea, and Nay, Nay.* Which words the Quakers so much affect to use, as if they would fancy themselves literally or verbally tied to those *Monosyllables*, and those to be repeated in all their assertions or promises: yet none of them in case of more full declaring their assent or dissent upon any matter, do scruple to use such paraphrases or enlargements of speech as the matter or the parties understanding or diffidence may require. For if they would keep all their communication to those precise words, *Yea, Yea, Nay, Nay,* they would be no less obstructive to civil and private conversation, then they seek to be to judicial proceedings, by their refusing at all to swear.

This limited sense of Christs words against some, not all Swearing, proved by his affirmative command of *Yea and Nay.*

Doublets

R. Maimoni-  
dis dictum,  
על  
לֹא וְעַל  
לֹא לֹא וְעַל  
מִן.

Sapiens ubi ne-  
gat, dicit Non;

ubi affirmat,  
Etiam. Diffe-  
rentium erat illo-

rum temporum,  
ut diximus.

vel dicit vel,  
וְ, וְ, וְ.

Hinc naucis  
dicitur homo le-  
vis & incon-

stans, cujus  
vel erat וְחִי.

Festus.

Iustorum Eli-  
am est etiam, &  
Non est non.

Druf. int. Pro-  
verb. Hebr.

—Contra om-  
nia solum

Et respondet bat,  
vel Non—

Aufonius ad  
Paulinum.

Concordent di-  
cti facta; pa-

ctis promissi; q;  
vestris idem

robur & veri-

tas esto, ac si firmata essent juramentis.

Coram Deo negatio vel affirmatio simplex iura-

menti habetur. P. tatur omnis disconvenientia aut animi aut facti cum iuramento. Gra. in Job.

ΑΛΛΟΘΕΝΟΝ. & εὐαγγελιον non laudat, nec εὐαγγελιον. Αλφ. & βίβλος & α, αλλ,

νός & α, λαδισατος, Philo.

Negatives &  
Affirmatives  
in Sc. pture  
limited in

the sense, though seeming universal in the Letter or words.

Doubtless our Saviour's own larger expressing of himself in many cases, by such periphrases or commentaries of words as amount to affirmations or negations (besides and beyond the bare terms of *Yea, Yea*; and *Nay, Nay*) do abundantly justify (together with the practise of all the Apostles) that these proverbial Phrases or Epitomes of speech here commanded under the words of *Yea* and *Nay*, do only import that plainness or simplicity of Christians meaning and doing as may be consonant to their words, in truth and honesty, without fraud or falsity in common speech: not at all forbidding either more ample expressions of their sense in private converses, nor yet forbidding such religious and judicious use of Swearing in great and publick matters, as are necessary to carry on humane affairs with Justice and Peace; but only such false, frivolous and fraudulent Oaths, as for the matter, manner and meaning are by the Law of God, by all right Reason and Religion prohibited; and which then were so familiarly used and abused by the Jews, upon those presumptions and dispensations which they had taken up. As then the affirmative part of Christs words are not to be understood literally, as a confining of all Christians communication to *Yea* and *Nay*, but only to that truth and honesty of mind, intent and action which Christ aims at, and beyond which whatever is of fraud and falsity is from evil in mens hearts: so as to the negation of swearing not at all, it cannot in Reason or Religion be extended further then that swearing which is from evil, and tends to evil; not that which is from good, and tends to good; namely, the veneration of God, and love of Truth and Justice, which are not from the evil one, the Devil, nor from evil principles in men, nor for evil designs.

As for that absolute and universal Negative which they urge from the words of Christ, of not swearing at all, nothing is more clear and usual in Scripture then to confine the word

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ning of such *Generals* to the particular subjects and scope intended, as I formerly shew'd in many instances out of the holy Scriptures: but yet further to clear this truth from the most short and exact way of the Scripture-style, which is in the commands of the Decalogue,

In the second Command we are forbidden to make to our selves any graven Image or similitude of Creatures in the way of Worship or Religion: yet we read, that *Moses* in the Tabernacle made the Cherubim; so did *Solomon* several Images of Flowers and Beasts in the Temple, and for his Throne, and without sinne.

So in the fourth Command, All manner of work is forbidden on the Sabbath day: yet the intent is only against ordinary works of our civil callings, not against works of Religion, or decency, or charity, or necessity; against which the Phariseal-rigor and severity had stretched the Letter of the Law beyond the meaning: as our Saviour convinceth them, *Mat. 23. Mark 2. 27. Luke, 14. 3.*

In the sixth Command, Thou shalt not kill, the putting men to death in just and legal ways, or in self-defense, is not forbidden, but only as to private revenge and malice.

So the tenth Command, Thou shalt not covet any thing that is thy Neighbours, is to be understood only of an evil and injurious coveting of what is our Neighbours; but not of such a desire as is commensurate to Justice and Charity, which desires, in the best ways of buying or exchanging, to get those things which our want requires, and our Neighbours sufficiency willingly affords us: Else we must always want, but never wish; or fairly endeavour for supply, by those ways of communicative justice, which by mutual necessities invite men to society.

Such commodious Interpretations of Scriptures are a necessity to attain their true meaning, as the contrary wrestlings of them upon a bare Letter are pernicious to all Reason, Justice and true Religion: and indeed contrary to the very word of the Law, and the intent of the Lawgiver: Else what shall we make of that striking declaration, *Jer. 17. 22. I spoke not to your Fathers, nor commanded them in the day I brought them out*

*Sicut Non occides est generale præceptum, cum debitis tamen circumstantiis occiso potest & licita esse & necessaria.* Cajet. lib. 57. 17. Habak. 2. 9.

*Societatis commensuratum vinculum mutua iustitia. Talibus benigna interpretatio adhibenda. Decalogus sancti non peccata nominat; cetera ex mente auctoris vult colligi.*



## The lawfulness of Swearing

of Egypt, concerning burnt-offerings, &c. But this thing I commanded them, Obey my voice, &c. Here the principal intention of God must give the Interpretation, and take away the Contradiction.

Limitations of  
general affirmative  
in  
Scripture.

1 Cor. 3. 21.

1 Cor. 6. 12;  
10. 23.

1 Cor. 10. 33.

Tit. 1. 15.

Nor are affirmative places of Scripture to be many times less limited from their seeming Latitude, Indefiniteness, and Universality. As, All things are yours, takes not away *meum* and *sumum*, the properties of Christians, as to what they have by private right and possession. So, All things are lawful, must not be stretched to any immoral licentiousness; but confined to such things as are by no word of God forbidden, but left in an indifference, and to be used as Reason and Religion requires, or the moral end of all things doth permit. So, I please all men in all things. So, To the pure all things are pure; the meaning must not be, after the Manichean and Familistical imagination, as if such as are pure might do or use anything, even to those mixtures which are morally impure or sinful; for these are always; and at all times forbidden to all men, who may not fancy that pure which God hath marked with the brand of sinful impurity; nor may they count that sinfully impure on which God hath set no such stamp, by any Law forbidding it.

All Scriptures (as I have largely shewed) must be understood only by the bark or shell of words, and not by the kernel and earnest; we shall make those expressions to be approbations which are the sharpest reproofs and prohibitions; yet by way of irony and seeming concession. As Eccl. 11. 9. Rejoice, O young man, in thy youth; walk in the ways of thine heart and the light of thine eyes. And Christ commanding the unjust Steward doth not import his justifying of his sin, but of that providence (though sinister) which he shewed to preserve himself from temporal ruin. And the more to reprehend the imprudence, negligence and supineness of those who will not use honest means for their temporal preservation. If we search by many more parallel instances (besides those I formerly gave) to manifest to the Readers, or any men (not wilfully blinding their eyes against that light of Reason and Religion which shines in the Scriptures) That since the

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*Holy Oracles of God are spoken or written for the instruction* of men, and in such a familiar style or mode of speech as was used among men in the several *times, languages and occasions* of writing them, which the *Hearers or Readers* then easily understood; it cannot be any part of Religion to urge any *Letter, Phrase or Form* of speech, as to *swerve* the sense of words from the evident scope, intent or end of the speaker, which is gathered both from the *rise or occasion* and *end* why he spake; and any additional instances which are oft given as *explications* and special marks or boundaries of the speakers meaning; which are here evident. For the Jews were not blamable for *swearing* by the name of the true God, as by the Law and Prophets they were commanded, in righteousness, judgement and truth, (nay they even *superstitiously* waded this kind of *swearing*) but for their new and customary forms of *swearing* by the *Creature*, and fancying it no forswearing themselves in case they were false, either in *intention or execution*. This being the usual and almost only *swearing* in fashion among them, it is no wonder that our Saviour aiming only at this, gives such a prohibition of *Swear not at all*; that is, not at all for matter or manner as you have accustomed your selves to swear, *contrary to, or beyond* what God allows in his Law: which was the thing I was to prove.

2. My *second Reason* to prove that our Saviour and the Apostle do not forbid *all swearing*, with its due reverence and *secrecy*, is from the *moral nature, end and use of an Oath*.

First, by the *light of Reason*, and principles of innate Divinity (yet unextinguished in the heart of man-kind) it hath ever been and still is owned and used as a special part of Religion, a solemn agnition of the Divine Being and Attributes, in Omnipotence, Justice and Power; which all men attest, as believing that none can escape that Witness and Judge of all things. Thus Egyptians, Scythians, Persians, Greeks, Romans, and all Nations that had any thing Civil and Religious amongst them.

**Second Reason for the lawfulness of some Swearing from the lights of Nature.**

Inter Aegyptios  
Μεγίστην πρὸς  
ἀνδράποισιν  
πίστιν, δὲ καὶ  
Diod. Sicul.

them.

them, have used some form of *Swearing* by their respective *Deities*, as a special *honour* and appeal to their *Sovereignty*; as the only means in cases *dubious* to give *satisfaction*, gain *credit*, and make men assured of the *veracity* and *honesty* of the speaker, in their *promises* and *testimonies*, in their *liagnes* and *contracts*.

Phala. Ep.  
Τὶ διαφύγει  
περὶ δοῦλον  
αὐτοῦ, ἢ  
πρὸς οὐ  
χῆται;  
Perjurus est,  
I. Ὁ μὲν ἐν-  
ταλίσσιν τὰ κατὰ τοὺς θεοὺς. 2. Ὁ μὲν περὶ θεοῦ ἔχει ἐπαλῶν.

And however the noblest and wisest of the *Athenians* required no less *veracity* and *certainly* in the bare words than *Oaths* of men; yet they highly distinguished between *swearing* and *forswearing*, (*ἱερὰν* and *ἐπαλῶν*.) This last they thought a great sin, and to be punished by the Gods; if either they meant not as they swore, or performed not what they had justly sworn: yea, and they oft brought in their Gods, and *Jupiter* himself as chief, *swearing*.

Rarus apud veteres jurandi usus in judiciis, sed crescente perfidia crevit jurisjurandi usus. Polyb.  
In totum jurare nisi alio necesse est, gravi ultra parum convenit. Quintil.  
Ob res egregias & necessarias, quæ citra jurandum obiri non queant. Hierocles.

*Polybius* observes, that in the better and simpler ages of the world *Oaths* were seldom used in *Judicatures*: but after that *perfidy* and *lying* increased, the use of *Oaths* increased, as the only remedy meet to restrain those mischiefs: that where men could not see or be sure, the omniscience and vengeance of God should be invoked on mens consciences, which none could elude or escape.

Ob res egregias & necessarias, quæ citra jurandum obiri non queant. Hierocles.

*Hierocles* also tells us, That men ought not to swear but for great and necessary ends, which cannot otherwaies be obtained. But where the end was good, and this a necessary means, there they thought agreeable to true Reason and Religion, that *swearing* was a lawful means.

The true God commanding Swearing in Scripture among Jews.

Secondly, God himself, the great pattern of all holiness and perfection, would not have given so many express commands and regulations concerning Swearing, if all *swearing* had in its nature been morally and so eternally evil.

The moral precept is *Exod. 20. 7.* Thou shalt not take the name of the Lord thy God in vain, or upon falsity: which imports a lawful use of Gods name; as is explained *Lev. 19. 12.* Thou shalt not swear by my name falsely, nor shalt thou profane the name of the Lord thy God. Which sense is further cleared,

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Deut. 6. 13. *Thou shalt fear the Lord thy God and serve him, and shalt swear by his name:* which is repeated Deut. 10. 20. So of coming by an Oath to God Num. 30. 2. Deut. 23. 21. So *Ife* 47. 23. *To me every thing shall swear.* So again, *Ife* 65. 16. *He that sweareth in the Earth shall swear by the God of Truth.* Jer. 4. 2. *And thou shalt swear, The Lord liveth, in truth, in judgement, and in righteousness,* i. e. To what we know to be and just. *Blessings of our Father and Jesus Christ*

Nor doth the Lord ever by the Prophets condemn the  
Jews for swearing simply and sincerely, but only for *untrue, false,  
perfidious, and perjurious swearing*; as he doth *Belshazzar*, for de-  
spising the Oath he had given to King *Nebuchadnezzar*.

Answerably we read the unblamed practise of many holy men, *Abraham, Jacob, Joseph, David*, and others, who themselves *sue*, and exacted *Oaths* and adjured others, without any show of force, in such serious and weighty cases which the Law of God, *right Reason, Justice* and *Charity* did permit or require. Amongst the *Jews* all publick testimonies were ratified by an *Oath*, as *Darius* by *Darius*, and others observe, who write of the civil administrations of *Justice* among them.

Yes, we find (as I formerly touched) the Lord himself confirming this by his own great and most holy example,\* swearing more then once by himselfe, by his own life and great name, to create credit, and give confirmation to what he saith.

It then, from all these premises it be clear, that some swearing is morally lawful, as an act extraordinary of Religion; a high glorifying of God by appeal to him, agreeable to the express Law of God, even in the third Commandment, in which we are not only forbidden to profane the name of God; but the affirmative is also included, of sanctifying his name by all ways of praying, praising, singing and swearing, as he allows us; if in doing this upon just occasion, private or publick (in a lawful manner) we sin not against any moral Law of Piety, Justice or Charity; it must undeniably follow, that Christ did not by this precept Evangelicall forbid or annul the old Law, as to the sanctity and morality of an Oath, but only take away the corruption and abuse: It being no design of our Lord to do so, so he expressly assures the Jews, to take off their jealousies and

Mal. 3. 5.  
Ezek. 17. 16.

Apud Iudeos  
in judiciis om-  
nia iurjurandi  
religione fir-  
mata, Dei no-  
mine interposi-  
ta. Draufius.  
Gen. 22. 16.

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and prejudices in this kind, *That he came not to destroy or diminish, but fulfill the Law (moral.)* However he came in the way of fulfilling to abrogate the Ceremonial, yea and the political Laws too, so far as they were peculiar to the Jewish polity in Church and State. This speech of Christ being the Key which opens his meaning in all his following emendations of Judaick pravitie, and in all the constitutions of Evangelical rectitudes; it must needs be preposterous to contradict so clear and emphatick a Scripture, in order to fix such an interpretation on these places (at which the Quakers now stumble) as is only conform to their own fancy, but contrary to the evident honour of both Law and Gospel, in this particular of lawful swearing, in lawful cases and manner; which was a part of that moral Law which Christ signally tells them he did not come, or ever intended, to abolish, but to maintain, so far as the love of God and our Neighbour are great accomplishments of all Laws; to both which religious swearing is most conform, it being to Gods glory and our Neighbours good. There is no danger then of doing hurt to our own consciences, any more than inferiour affirmations or negations; an Oath having onely the attestation of God to it, who is witness of all we say and doe.

Ὁρῶ ἐς τὴν  
ὁμολογίαν κα-  
δοεῖται καὶ ὡς  
παρά τῶν  
ἑβραίων. Clem.  
Alex.

Μαρίνεια δὲ  
καὶ πρᾶγμα-  
τος ἀπορίαν  
τυγχάνει. Phil.  
Jud.

Third Reason  
to prove some  
Swearing law-  
ful under the  
Gospel among  
Christians.

Ἰν ὁμο-  
λογίᾳ ἱερὰ ὡς  
ἔστιν ἡ ἱερὰ ἱου-  
δαίων. Capellus  
ἐ R. Jonah.

3. The third Reason for the limiting these words of Christ against some, but not all kind of swearing under the Gospel, is from those after-evidences in the Gospel, which sufficiently clear the meaning of our Saviour.

First, his own frequent asseverations, Amen, Amen, are by many esteemed as a solemn form of assertion, next degree to swearing, by attestation of the truth of God upon the certainty of his words.

But if this amount not to so much in our Saviours form of averring what he uttered; yet we read in the Apostle Saint Paul's writings more then once, not only attestations, but obtestations and adjurations of others, as Saint Austin observes, e-yen to the very form of Swearing. Rom. 1. 9. God is my witness, &c. Gal. 1. 20. Behold, before God I have not. 1 Cor. 15. 31. I protest by your Rejoycing; which hath the very form of common Oaths among the Greeks: καὶ τὴν ἀποκρίσιν ὑμῶν



as in the *Act*, per *Leodem*. 2 *Cor.* 13. 3. The God and Father of our Lord Jesus Christ, who is blessed for evermore, knoweth that I the nor. 2 *Tim.* 4. 1. I shall give before God and the Lord Jesus Christ, &c.

7 *Act* 18. 13.

As a ground to justify his own practise in things weighty and of great concern to Gods glory, the vindicating of his own fidelity, and the inducing others to believe, in cases that cannot otherwise be so fully cleared, decided and confirmed to them; this great Apostle, who well knew his Masters meaning, tells us, That, an Oath (not *was*, but) is among men for an end of all controversie or strife: and therefore men swear by God, as greater then themselves; and all Creatures whatsoever: intimating, that the sanctity and validity of an Oath still remains in use under the Gospel, as among all men, where the matter, form and ends required by the moral Law; and immutable principles of Piety, Justice and Charity, are duly observed.

1 *Tim.* 6. 13.

Quis crederet Paulum præcepti Domini fuisse immemor? Grotius. Iuravit Paulus; at non in re sua, non in re modica alterius; sed in rebus maxime mentis, ad Deum & aliorum salutem pertinentibus.

Heb. 6. 16.

Nor doth the Apostle there or any where intimate that this former liberty of Swearing by the Law of God among the Jews was abrogated under the Gospel, as if Christians might not swear in any case; which had been so necessary a lesson, as none more in practice; considering that all those civilized Nations where he most preached, and to whom he wrote so many Epistles, would never have believed all swearing unlawful, which the *liber* of nature dictated, and the law of God allowed, with due regulation, unless they had some special precept from the Apostle, that he had so received it of the Lord; which had he written, he had contradicted himself as to his practise, and made himself an offender.

But the reproof of Christ, and so of the Apostle Saint James, was peculiar to the corruptions among the Jews, to whom Christ spake, and the Apostle Saint James wrote that Epistle: especially in promissory Oaths, to which the learned Grotius thinks the words of Christ wholly and only relate.

Apparet Christum hoc loco agere de iuramento promissorio H. Grot. us. Rev. 10. 5. 6.

To confute this Reason, we read the Angel in the Revelation by his example justifying the lawfulness of some swearing, for he is brought in thus, lifting up his hand to heaven, and swearing by him that liveth for ever and ever, &c. after the

same



## The Usefulness of Swearing

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Dan. 12. 7.

same manner as the Angel in Daniel did swear lifting up both his hands to Heaven.

In which forms we cannot think the holy and good Angels would have so solemnly appeared on record in Old & New Testament, as exemplary to the Church and people of God, if the great Angel of the Covenant, our Lord Jesus Christ, had positively forbidden all Swearing; either because in its nature morally and utterly unlawful (which cannot be said without blasphemy, and contradiction to the Law of God of old) or as now become evil and unlawful, because absolutely forbidden by a positive Evangelical command, without any moral reason either alledged or imaginable from any nature of sin. Which false gloss of Christs words cannot be reconciled with the other principles, places and examples, evident and authoritative, in the Gospel; or with that express and signal Oracle of Christ, which is a salvo for all that is morally good, that he came not to destroy any part or tittle of the Law, which had any moral, internal and eternal beliefs in it; as being therefore expressed in his revealed will or word, because it is conform to the glory of Gods nature and essence, which all reasonable Creatures ought ever to fear, reverence, adore and admire above all things. As those do, who by religious swearing give glory to God, as the supreme Judge of all men and things, as the searcher of all hearts, and as the infallible dispenser of Justice. Which sacred celebrations of the Divines Glory and Majesty in Solemn Swearing being no way derogating from Gods honour, but highly advancing it in the world, and no way injurious to our selves or others, but advantageous to Justice, Truth, Charity and Peace, cannot be looked upon as abolished or forbidden by Christ to us Christians.

The judgement  
of all Christi-  
an Churches  
and eminent  
Divines.

Fourthly, having thus examined First the occasion, and commission of our Saviours words, Secondly, the moral nature of an Oath, Thirdly, the Evangelical practice; my Fourth and last work is to justify this limited sense and Interpretation of our Saviours and the Apostles words, which I have given conform to the practice of the Church of England, by the concurrence judgement of other Churches, and learned Interpreters, both ancient and modern.

Nor





Not that Saint *Ashtin* held it *unlawful* for a Christian in any case of *great* and *weighty* concern *solemnly* to give Oaths, as a further ratification of *Truth* and *Justice*; yea he asserts it as lawful, and proves it by those instances of the Apostle *Pauls* swearing or obtestation in his Epistles which I formerly produced. Not as if (saith he) Saint *Paul* had forgot, or were ignorant of the *word* of Christ; but by his practise he shews us the meaning of them is, only to forbid *saile* and *frivolous* swearing. *non bene videmus hic iurandi blivum servari.* Tu autem malum non facis, qui bene uteris iuratione; quia si non bona & propter se appetenda, tam non confiteris, ut aliter persuadeas quid iuramentum non facit.

As the *gravest* and *eminentest* of the *Jewes* did not deny Oaths of Allegiance to *Herod* and their *Governours* (as *Iosephus* tells us) so neither *did the Christians*, however the zeal of some of the *Ancients* in their *Sermons* or *Homilies* to the people, wholly try down all *customary* and *vain swearing*, especially according to the wonted forms of *Heathenish* swearing: as by *their Gods*, or *Emperors*, and the like.

So Polycarpus (in the first Century) answered the Prefect, who promised to dismiss him if he would swear by the Fortune of Caesar: but he refused, affirming, *I am a Christian.*

In like manner *Dauides* the *Martry*, when the Officers exacted an *Oath* of him, replied, It is *not lawful* for me being a Christian to *swear*. So *Speratus* the *Martry* about the same time denied to swear so, because he *knew not what the Genius of the Emperor meant*.

*Tertullian tells us in the second Century, That Christians in the Anno would not swear by the Genius, or Daemon, or Fortune of Christi, 205. Caesar: but by the health or safety of the Emperor they did; Baron. Annal. Tertul. Apol. because they understood by that, God and the Lord Christ.*

And when other Christians did in publick cases swear, being required by Authority: yet the Bishops of the Church were not put to swear: as Basilus a Bishop pleaded for his privilege, when in the Council of Chalcedon he was required to give Oath; the sanctity of his Life and honour of his Order being assurance sufficient for his truth.

The Christian Soldiers, as Vegetius tells us, took Oath in the name of the Father, Son, and Holy Spirit, to obey: their Com-  
 mand, & Spiritum Sanctum, & per sanctum Imperatorem, seu sanctum Regem, qui pro  
 Imperator, nunquam deferretur militum, nisi mortem recusatorem pro Re.

Tu autem malum non facis, qui bene uteris iuratione; quæ si non bona & propter se appetenda, tam necessaria est, ut alteri persuideas quod utiliter suades.

Joseph. Antiq.  
l. 17. c. 3.

*Jura per fortunam  
Casaris, &  
se dimittam.*  
*Resp. Christia.*

Μὴ ἐξῆναι  
αὐτῇ τὸ παρ-  
παν ὁμύνας,  
χρυσίανδον

671 Anno  
 Christi, 205.  
 Baron. Annal.  
 Tertul. Apol.  
 cap. 31. Fura-



manders, not to desert their Colours, and to dye for the common welfare: which was called *Sacramentum militare*, both before and after Christianity, had prevailed in the Empire. And hence the name *Sacramentum* came to be applied to Christian Mysteries, which are special and solemn dedications of them to the true God and Saviour.

Council. Nicen.

Ephesianum.

Constantinopolitanum.

In the *Nicene Council* *Arian* with an Oath renounced his heretical Opinion. So in the *Ephesian Council* it was ordered that *Nestorius* should abjure all heterodox and profane Doctrines.

In the *Sixth Synod of Constantinople*, *Gregorius* the Librarian made Oath (*secus Evangelium*) upon the Bible, that he left the Books in the Library such as he found them, without any blotting out, or inserting, which Oath I with the *Romish Ex-purgators* had taken and kept, as to their Edition of ancient Church-Authors, Fathers and others.

Athanasius Ju-  
ramento se pur-  
gas de calumniis  
Apologiae und  
Constantinum.  
Maus enten-  
id. Quoniam A-  
nimam testor.  
Or.

*Athanasius*, who seems and is very zealous against profane and popular swearing, yet in his *Apology* to *Constantine* purges himself by Oath from the calumnies cast upon him by impudent persons, citing for his defence the example of *S. Paul*.

Nor is it any news to read of *Christian Kings* and *Magi-strates* requiring, and Subjects giving their Faith by Oath, in matters civil, sacred and solemn, when the forms of Oaths were such as consisted with the truth of *Christian Religion*, and the honour of the true God: Nor did any *Canon* of the Church ever forbid such Swearing.

2. Cor. 1. 12.  
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1. Cor. 1. 12.  
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1. Cor. 1. 12.

Paraphrasen est  
Athanasii Latri-  
Acquin.

Quia jurat  
ex-eratur  
colle cum quem  
jura. Hieron.

Indeed while *Christians* lived in persecution, without any protection from the civil Judicatories, there can be no examples of their Swearing after the *heathenish manner*. But when *Christianity* and *Christians* came to be wrapped up in the *Imperial Laws*, and defended by the *Supream powers*, and were enabled to vindicate their civil rights in judicial proceeding, they did not think that unlawful which God had of old commanded; which hath a moral, that is, an eternal, goodness in it; as an act of trust and appeal, of agnition and veneration toward God, of justice and satisfaction to men, also of private and public charity, as the School-men truly observe, for the ending of controversies and taking away of jealousies. Only due circumstances were strictly required, according to the word of God, in judgment, righteousness and truth.

Yea



Yes we read, of old, *sin* condemned by the *orthodox* part of the Church (as *S. Cyprian* and others tell us) for *this error* among others, that they *denied all swearing to be lawful*. So did the *Samositanians*, and some *Pelagians* in *Syracusa*; so the *Massilians* and *Euchites*; so in *S. Bernard's* days some of the *Waldenses*; and of late *dayes* some *Anabaptists*; and now the *Quakers*; whether out of *policy* and *art*, or *simplicity* and *ignorance*, God knows.

It were as needless as endless (in respect of the *Quakers* satisfaction, who do not value them) to produce the consonant judgements of Modern Writers of the *Reformed Churches* or the *Romanists*, and the most *learned Divines* among them; which may easily be seen in the *Harmony* of their *Confessions*, or in their particular *Treatises* in this *Subject* (*Swearing*). All agreeing, as in *just* *severay* against *false, idle and profane Oaths*, against all *perjury, intention* and *consequence*.

So they do all assent to the *moral good* in a *judicious* and *solemn swearing*, with due *circumstances*, upon *just occasions*, by *lawful Call of Authority*; in *cases honest and true*, especially in *public controversies*, to *secure Princes*, and preserve the *common welfare* in *Justice and Peace*. Nor do they think that by any *positive Law of Christ* all *swearing* is become now *unlawful* to *Christians* (among whom the *same end, use, necessity and sanctity of Oaths* may be and still are to be had, which was once *lawful to the Jews*, and used in all *Nations*) but only that kind of *evil swearing* which then was become *customary*, and thought either *not sinful*, or *venial*. This is, and ever was forbidden, as by the *Law of God of old*, so by the *renewed rigor and fear of it* which *Christ restored*, after it had been so much *depraved* by the *Pharisaical presumption* and *popular profaneness*, which imposed *rigor* where God had laid none, and affected *liberty* where God had given none.

Agreeably, all *eminent Writers* of the *Greek and Roman Church*, among the *learnedest Papists, Lutherans and Calvinists, Catholics and Protestants*, as well as those in these *British Churches*, do ascribe the *Authority of lawful Magistrats* to require and impose *religious Oaths*; and the *duty of Subjects* to obey both *God and them* in taking them as becomes *Christians* with

ἐν τοῖς ἀναγκαστικαῖς καὶ τοῖς δημοσίοις.

Hierocles.

Ὁμοῦ περὶ

δὲ καὶ διὰ τὸ

περὶ τῶν

ἐν αὐτοῖς ἀν-

ταρὰς ἀντι-

παρὸν, ὁ

φίλος ἐν με-

γάλοις καὶ δι-

νοῖς ἀντιπα-

Isocrates.

Conclusion.

with due reverence to the Majesty of God, and with strict obedience to these commands of Superiors, who have their power from God, and are to use it to his Glory. Nor do they disallow even private and spontaneous attestations of God in weighty matters; as to quench the fire of jealousy, or to purge away an unjust infamy, or to give some such security as justice and charity may require for our own and others goods: as a sober Heathen tells us, to the just condemnation of Christians, who in trivial affairs venture to prostitute the sacredness of an Oath.

And thus I have with greater profusity than I intended (my wonted fault and apology) endeavoured to vindicate the Divine and true sense of our Saviours words: First, to remove the crying sin of Swearing vainly, rashly, irreverently, profanely, falsely, in small or great matters: Next, to shew the moral end and religious use of Oaths lawful for matter and form; and particularly those required in judicial proceedings according to the Laws and Customes of England, both Ecclesiastical and Civil, or common, agreeable to the word of God, and the judgement of the best Christians in all Ages.

Having herein no design, but to give Testimony to that Truth which I believe, to justify the sanctity of our Laws, to serve His Majesty, and to do the duty of a good Subject, a good Christian, a good Minister of Christ, and a good Bishop of this Church; dispelling the needless scruples and superstitious fears of these poor people called Quakers, shewing them their safe liberty to obey, and how to escape the Penalties for disobeying the Laws and obstructing Justice by refusing lawful Oaths.

If my paines and charity may be acceptable to those who are now distinguished by the name of Quakers, or Anabaptists, or to any of my Country-men, to clear their understandings, to remove their scruples, and reduce them to due obedience, safety and peace, I shall obtain my end; either by redeeming them from the Penalties of the Law, by rectifying their judgements, or at least by stopping the contagion of their error and superstition to others in this point; which will not only

only conduce to mens *privats*, but to the *publick Peace*, in the due *administration of Justice*, by the right use of religious *Oaths*, and to the *Glory of the true God*, by whose name only men do *Swear* in judicial proceedings.

I pray God *great blessing* to my *endeavours*; that true *Religion, Justice and Peace* may again flourish in this *Church and Kingdom*: to which ends I wholly devote *this* and all my *endeavours*.

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*F I N I S.*

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in Judgment  
only conduct to them, but to the whole of the  
the commission of sin by the right of judgment  
God, and to the glory of the God by whose will only  
man is saved in judgment.  
I pray God that I may be able to say that I  
have done, done and done may again be done in this  
and I pray that I may be able to say that I  
may be able to say that I may be able to say that I

F I C I 2

